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# LAW ENFORCEMENT NEWS

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## In this issue . . .

NewsBriefs . . . . .	2	the funny pages . . . . .	8
Reinstatement of deputy chief appears to polarize D.C. police . . . . .	3	Say cheese! here come the Indiana State Police . . . . .	9
TV violence seen declining . . . . .	3	LEN interview: policing India with Anandswarup Gupta . . . . .	10-12
Chicago P.D. gets new force of hostage experts . . . . .	4	Public Forum . . . . .	14
Revised U.S. criminal code runs into new obstacles . . . . .	4	On Crime . . . . .	15
Supreme Court Briefs . . . . .	5	Burden's Beat . . . . .	15
International News . . . . .	6	Current job openings . . . . .	18
Crime prevention moves from front page to		Upcoming Events . . . . .	19
		People & places . . . . .	20
		New police products . . . . .	20

1+2=1...

## Subway crime figures add up to NYC police merger

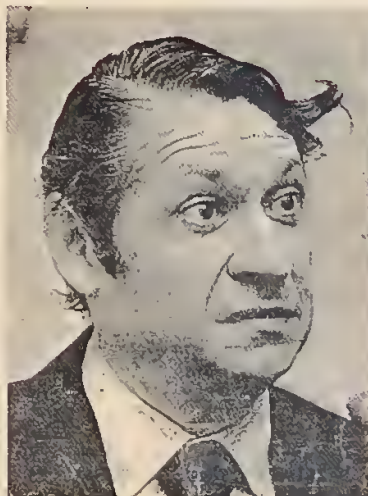
In what might be one of the most massive consolidations of police agencies in the history of American law enforcement, New York City officials have placed the metropolis's transit and housing police forces under the direct command of Police Commissioner Robert J. McGuire.

While the move was played down as a "policy decision" by the authorities involved, McGuire indicated that the limited consolidation may evolve into a full-fledged merger of the three sizeable forces, noting that it would be advantageous to be "able to shift manpower as needed between areas."

Announcing the unified command order on September 10, Mayor Edward Koch said he was ready to push for legislation that would pave the way for melding of police services in the city. "If legislation is needed to do it, we'll get legislation," he declared. "Somewhere in the future, a complete merger is a definite possibility. If impediments exist, we'll get rid of them."

According to the *New York Times*, the order took effect immediately. The organizational change was thought to be prompted by the mayor's dissatisfaction with the transit force's six-month campaign to reduce violent crime in the subways. Recent figures show that serious offenses in the transit system have reached pre-crackdown levels, escalating back to over 250 felonies per week.

Expressing hope that the consolidation



Sanford Garelik

would "strengthen law enforcement against the lawless element that preys upon our citizens," Koch said the 2,810-member transit force and the 1,459-member housing police department will initially remain as separate units, but they would take "operational and policy" direction from McGuire. The order gives the commissioner command authority over a total of 27,769 sworn personnel, including his 23,500-member New York City Police Department.

Herbert J. Sturz, the city's criminal



James B. Meehan and Robert J. McGuire at a recent ceremony

justice coordinator, was the architect of the unification effort. Asked by the mayor to come up with a plan to battle subway crime, Sturz noted that by linking the forces, the transit and housing police would gain the extensive "back-up" assistance of the regular police department.

Lost in the structural shake-up was Sanford D. Garelik, who has headed the transit police since 1975. The veteran lawman will retain his secondary role as director of security for the Metropolitan Transportation Authority, but his transit chief's job was given by Koch to James B. Meehan, a 30-year veteran of the NYCPD who was the department's chief of personnel.

Deputy Chief Charles O. Henry of the NYCPD, who has served as acting chief of the housing force for the past two months, was given permanent command of that agency.

Underlining the limited autonomy that the transit and housing units will retain, both Henry and Meehan noted that they would probably have to take leaves of absence from the regular police department to work in their new posts.

In spite of the suddenness with which Koch reshaped the face of policing in New York, time still remained for political wrangling. Although the mayor said his action had the approval of the chairmen of the city's Transit and Housing Authorities, City Council President Carol Bellamy promptly questioned the legality of the shake-up.

Bellamy is a member of the board of the Metropolitan Transportation Authority, the parent body of the New York City Transit Authority, and her spokesman told the *Times* that while she did not oppose the change, she would seek expert opinion concerning its legality from an M.T.A. lawyer. "Legislation might have to make

the change," the spokesman said.

But a spokesman for the M.T.A. said that if such legislation were required, it would only be a technical matter of "dotting the i's and crossing the t's."

Meanwhile, the city's Corporation Counsel, Allen G. Schwartz, argued that no legislative sanction was necessary for the unification of police command. A state statute may be needed to implement the total integration of the three forces, he said, but the current plan represents a "policy decision" requiring only the approval of the heads of the two authorities.

Housing Authority Chairman Joseph J. Christian, who attended the news conference at which the consolidation was announced, said that he approved of the change. A Housing Authority press representative noted that the agency's two board members had also given their approval.

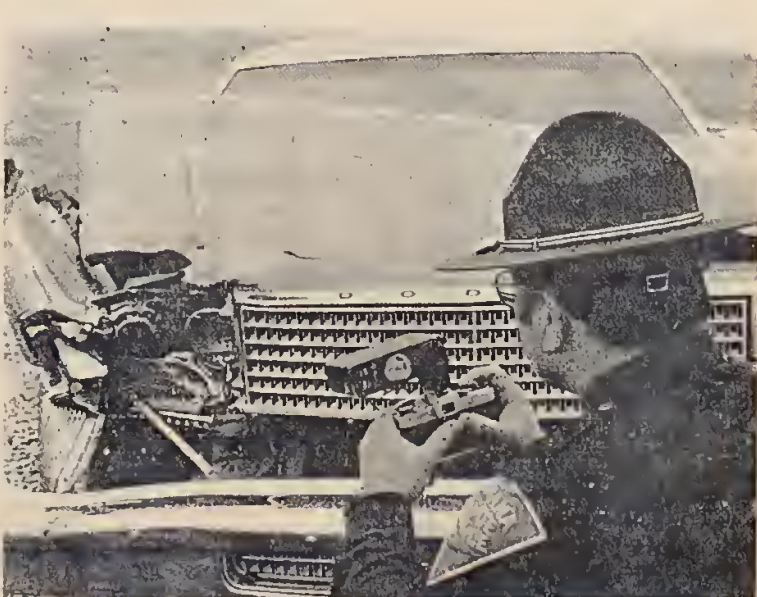
Transit Authority Chairman John D. Simpson told reporters at the news conference that deposed chief Garelik would assist in coordinating security for the M.T.A.'s Long Island Railroad and Conrail divisions, the suburban train systems which serve the metropolitan area.

The most vocal criticism of Koch's "unified direction for the war on crime" came from the presidents of the transit and housing Patrolmen's Benevolent Associations.

Transit police union head William McKechnie charged that the mayor's action would turn Commissioner McGuire into "a czar." "There's no Mandrake the Magician out there as a police administrator," the union president noted. "The people making these decisions are playing a public relations game. The only way to get police officers around is to hire them. Our man

Continued on Page 17

## Indiana troopers get the picture



A crumpled Dodge says cheese as an Indiana trooper shoots an accident investigation photo. The state has equipped all of its sworn personnel with 35mm camera outfits in one of the most extensive programs of its kind in the nation. See story on page 9.



89 Pages  
\$2.95

# EVIDENCE TECHNICIAN PROGRAM MANUAL

By Joseph L. Peterson  
and James H. Jones

The utilization of scientific methods for the examination of physical evidence recovered in the course of criminal investigations has become a critically important function of the nation's law enforcement agencies. This manual examines the role of police officers and civilians charged with the responsibility of searching crime scenes for physical evidence and returning it to the forensic laboratory for analysis. These individuals, often referred to as evidence or crime scene technicians, are on the staffs of most urban police departments today. Many agencies now train evidence technicians to be specialists who devote their total professional attention to the search for physical evidence. Through specialization, it can be expected that crime scenes will be searched with less delay and greater expertise than in situations where patrol, detective or crime laboratory personnel have shared responsibility for recovering the evidence.

Five important aspects of developing an effective evidence technician program are discussed in this manual. The key element is the selection and training of competent personnel who will become evidence technicians. Next in importance are tools, kits and vehicles which are used by the technician in processing crime scenes. Also discussed is the need for a strong organizational commitment to the crime scene search function, the implementation of actual field operations, and finally, means for evaluating an evidence technician operation. Guidelines for developing meaningful program objectives and appropriate criteria for measuring progress toward those objectives are presented.

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## NewsBriefs . . . NewsBriefs . . .

### NBS booklet flashes on emergency light testing

A series of tests designed to evaluate the attention-getting properties of emergency vehicle warning lights is outlined in a new publication from the National Bureau of Standards.

According to the report, the researchers developed a novel technique of conspicuity testing in which an observer would fix his vision straight ahead and view two flashing lights peripherally — one located 20° to the left and one 20° to the right. One of the two lights was a reference bulb whose intensity could be adjusted by the observer until the two lights appeared equally conspicuous.

All the lights were ranked on a single scale of conspicuity, based on the measured intensities dialed by the observer on the adjustable reference light.

In evaluating the test, the researchers found a 90 percent correlation between the measured attention-grabbing power of the lights and their rated effective intensities.

A "disappearance-angle" test was also conducted in which the warning devices were ranked according to the number of degrees into the left side of the visual field that their flashes could still be seen by an observer. The ranking correlated at a rate of 86 percent to the conspicuity rank, according to the report.

To obtain a copy of the 24-page study, which discusses problems encountered in the tests and suggestions for improvement, send \$1.50 to Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

### NYS police ordered to hire more women and minorities

The New York State Police recently joined the ranks of other major law enforcement agencies that have been handed minority hiring quotas after a Federal judge ordered the force to give 50 percent of its future job openings to minorities and women.

In a September 6 ruling, U.S. District Court Judge James Foley found that the past hiring practices of the Division of State Police has unintentionally discriminated against women and members of minority groups. Less than 100 of the state's 3,400 troopers are female, black or Hispanic.

According to the news services, the court-imposed quota mandates that for every five white male officers hired, the agency must sign up four black or Hispanic troopers and one women officer.

### Civilian review proposal is scrapped in Tucson

A drive to establish a civilian review board to monitor police activity in Tucson, Arizona narrowly missed its mark earlier this month when the City Council voted to shelve the matter.

The 3-to-2 rejection came only days after a white policeman was stabbed during an altercation at a minority festival at a local community center. The incident was said to reflect the city's high degree of racial tension which was fueled last month by the shooting of an unarmed black man by a plainclothes officer.

Shortly after the accidental shooting, in which the victim was mistaken for a fleeing convict, several local black and Hispanic civil rights groups and the Arizona Civil Liberties Union called on the city to found a civilian panel to review law en-

forcement practices.

Although Mayor Lewis Murphy and Police Chief William Gilkinson joined the City Council in opposing the proposal, the two officials urged their staffs to explore measures that could be used to examine controversial police actions in the future.

### You got to have heart to be a New York City cop

A new set of physical requirements for entrance into the New York City Police Department is so stringent that 55 percent of all men and women applying for jobs have been rejected, according to the *New York Daily News*.

The tougher medical screening is reportedly part of a department attempt to reduce the number of police officers who will eventually have to be retired for various types of disabilities. Most of the potential recruits who were rejected were turned away after doctors discovered potential or existing heart, back or ear problems.

Apparently, Police Commissioner Robert McGuire ordered the intensive physicals in response to recent increases in the number of officers retiring on so-called heart bill pensions, which provide tax-free stipends at three-quarter pay.

Since 1971, 1,717 city policemen and firefighters have been let go on heart bill disabilities, under which any officer's heart condition is presumed to be the result of an on-duty condition.

As a result of the more stringent entrance requirements, the rate of rejection for the candidates who are applying for 200 to 400 recruit jobs is running three times higher than ever recorded previously.

Under the old system, applicants were screened by physicians, and, unless irregularities were found during a relatively quick physical, they were permitted to proceed to the next test phase.

Now each candidate must undergo an electrocardiogram examination, a series of electronic hearing tests, orthopedic examinations that are designed to detect incipient back problems, and vision tests.

Although the applicants who were rejected have the right to appeal the doctor's decision, a police official noted that "their chances of being hired are very slight."

### Lights, camera, testimony: courtroom videotape tested

The videotaping of witness testimony for future presentation at civil trials may be a viable judicial technique, according to a report released recently by the National Bureau of Standards.

Published under the auspices of LEAA's National Institute of Law Enforcement and Criminal Justice, the 28-page study analyzes a survey of 278 jurors who participated in prerecorded videotaped (PRVTT) civil trials conducted in Ohio during 1975 and 1976.

The trials were unique in that the witnesses' testimony had been prerecorded for trial presentation and a judge was not present during the presentation of the tapes.

"The survey responses indicated a generally favorable reaction to the use of PRVTT," an NBS abstract of the report noted. "As an illustration, the respondents indicated a preference for a PRVTT over an ordinary trial in a civil suit in which they were a litigant. In contrast, there was an even split in indicated preference in the case of a criminal trial in which they were the accused."

Entitled "Juror Response to prerecorded Videotape Trials," the report can be obtained by sending \$1.75 for each copy required to: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. The order number is 003-003-02071-1.

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D.C. force divided in deputy chief controversy

Reinstatement of Trussell attacked by detectives, police union

Deputy Chief William Trussell of the Washington, D.C. police force, charged by his men with incompetent and racist behavior, was reinstated to his post as chief of detectives last month in a move that intensified a four-month-long dispute which continues to polarize the department.

Trussell, a 30-year veteran of the D.C. police who became head of the Criminal Investigation Division last year, has been reassigned to a minor post in May after members of his homicide squad protested that he was thwarting their investigations and had uttered racial slurs on two occasions.

In reinstating Trussell at an August 31 news conference, Police Chief Burrell M. Jefferson ignored the recommendation of a three-member panel which had voted 2-to-1 against reinstalling the commandet in his old post.

The committee, which was selected by Jefferson to investigate the charges, cleared Trussell of any wrongdoing but said that he should not return to the detective division because his ability to lead the unit had been seriously damaged by the controversy.

During the press meeting, a group of about 20 police union officials and homicide detectives angrily stalked out of the room, according to the Washington Post. "It was evident from the actions and comments of the police who crowded into the auditorium at headquarters for the chief's press conference that the controversy has brought to the surface long-standing but

mutated racial antagonisms in the department and has pitted tank-and-file police against their superior officers," the newspaper noted.

In their charges against their commander, the homicide detectives had listed more than 20 complaints about Trussell's handling of major cases. Two of the most serious items alleged that he "contaminated" a suspected murder weapon at the scene of a crime and that he interviewed possible suspects and witnesses at a crime scene without making a written record of their statements.

The detectives also quoted the deputy chief as having said to white investigators on two separate occasions: "Not all people go into shock. Animals don't go into shock when they are shot, and neither do blacks."

Contrasting to the charge of racism, one report indicated that Trussell had become somewhat of a laughingstock among the homicide squad's 45 members. "Make sure you get aerial photos in this case," one detective would reportedly say to another. "Sure, it's a murder in the basement, but you know how much the chief likes aerial photos."

The anecdote was allegedly derived from Trussell's insistence on using aerial photography in at least two cases despite the belief of veteran detectives that the photos could serve no purpose. "Yeah, that's funny, I suppose," one detective told the Post. "Funny if that were the only time and if it weren't so serious."

Bur Trussell has supporters within the department, who described the lawman as "dedicated," "conscientious," and "a dog-gone good official." One high-ranking officer with extensive experience as a detective declared: "I have tremendous respect for Trussell. He's one of the most solid administrators in the department."

Jefferson also had words of praise for the executive upon returning him to his command. "I have no alternative but to reassign Deputy Chief Trussell," he noted. "I have the utmost confidence he is a professional police officer of 30 years of outstanding and creditable service to this department. For me to do otherwise, I could not justify it."

Citing the report of his ad hoc investigation panel, the chief noted that the board had found Trussell "to be competent" and "did not feel he had unduly interfered in any investigation." Jefferson did acknowledge that the panel had found that Trussell had made "an improprietous [sic] remark," but he noted that the board did not consider it to be "a racial slur."

Two of the panel members, Assistant Police Chiefs Maurice Turner and Marty Tapscott, are black. They voted against Trussell's reinstatement, contending that his intention to sue some detectives for libel and the dispute itself made his "ability to regain effective control of the division... increasingly doubtful." The assistant chiefs also stated that Trussell's authority had been "greatly diminished."

In dissent, panel member Richard

Brooks, who is white and is an attorney for the police department, said it would be "wholly contradictory" to clear Trussell of the charges and then remove him from command. Such a move would "indelibly shadow and taint" the deputy chief, Brooks added.

The attorney contended that the allegations against Trussell, including the one that he had uttered a racial slur, had been "contrived" by the homicide detectives. He observed that detectives interviewed during the panel's investigation had not been unanimous in their accounts of what had been said.

When the controversy broke four months ago, Trussell denied that he had equated blacks to animals. "That remark as quoted is untrue," he noted. "I have full recollection of what's being alluded to and it's not at all like [it was reported.] I'm going to explain [to the chief] that remark in detail."

While Trussell's explanation to Jefferson was apparently satisfactory, the city's police union appears to be very dissatisfied with the chief's handling of the affair.

Police union president Larry Simmons has requested that the city council investigate Jefferson's role in the controversy, noting that he would hire an independent firm to conduct a "vote of no confidence" against the chief within the department.

"The whole thing stinks to high heaven," one homicide squad member said. "I

Continued on Page 20

ABC is still the one in TV violence, but...

Survey says media mayhem is declining

The amount of violence in prime time television programming has decreased slightly over the past two years, according to a recently released survey which rated ABC as the "most violent" TV network and the Chrysler Corporation as the "most violent" program sponsor.

Sponsored by the National Citizens Committee for Broadcasting, the study monitored programs for four weeks this past May to determine how much measurable violence is actually shown on televi-

sion. Programs were ranked from least to most violent, and advertisers were ranked according to the amount of violent programming they sponsored.

"Young Guy Christian" from ABC lead the field in portraying violent incidents, followed closely by three NBC shows — "The Duke," "Cliff Hangers," and "Buffalo Soldiers."

Apparently, the popularity of a show had little to do with its violence rating. While such highly rated shows as "Charlie's

Angels" and "Rockford Files" also ranked high in violent content, other popular shows, like "Bamey Miller" and "Mork and Mindy," were given a zero violence rating in the NCCB survey.

Explaining how the rating figures were compiled, the NCCB newsletter "Media Watch" noted that the study focused "primarily on the combination of the number of violent incidents and the length of those incidents expressed as a percentage of the total violent time and incidents in prime time programming."

The definition of a violent action covered a number of categories, including "gun fight, gun threat and shooting at a person," the newsletter said. Personal physical violence was defined as beating, strangling, manhandling, fistfighting, inflicting a wound, stabbing, attempted drowning, and attempted suicide. A final classification, described as "capital episodes," included killing, kidnapping and suicide.

When the ratings for all prime time shows were added up, ABC was found to have aired the most violence with a 4446 rating, closely followed by NBC with a 4240 score. CBS was a distant third, scoring a 2475 violence figure.

Commenting on the network rankings, an NCCB spokesman pointed out that CBS was less violent than ABC by almost 50 percent. "The decrease of violence on CBS was a direct reversal from 1977 when CBS, unlike the other two networks, increased its violent programming."

One factor that made ABC the leader in television violence was the theatrical and made-for-TV films it broadcast during the survey period. "ABC was most violent in the movies it showed, while NBC was most violent in its series programming," an

Continued on Page 20

Philly cop test ruled unfair to females

The Philadelphia Police Department will not be permitted to hire a group of 225 male recruits due to a Federal court order which charges that the force's entrance requirements unfairly exclude women.

In a September 5 ruling, U.S. District Judge Charles Weiner said that a physical performance test required of all police applicants had "an adverse impact" on female candidates. The judge pointed out that while 97 percent of the male applicants passed the exam, only 31 percent of the women successfully completed the test, which he said the department had adopted without his approval.

Weiner also took exception to the fact that there were no women in the recruit group, in spite of a previous court order that female recruits be included in future hirings.

According to United Press International, Philadelphia was named as the defendant in two discrimination suits filed in 1974. Two years later, city officials entered into a consent decree that 20 percent of the new officers hired would be women.

The judge upped the ante in the new decision, ruling that 25 percent of all officers hired by the force must be female. He ordered the city to stop discriminating, to establish criteria for future hiring and to submit the plan for his approval.

Weiner said the city had failed to comply with an order he had handed down on February 12, which found that the department's employment policy discriminated against women in both hiring and promotions.

In a memorandum, the judge observed that female officers accounted for only 1.6 percent of the 7,936-member police force.

NCCB Program Ranking			
The following is a selected ranking of prime time network programming from the least to the most violent shows during the monitoring period.			
Program (Network)	Rating		
All in The Family (CBS)	0	Highcliff Manor (NBC)	23
Angie (ABC)	0	Hizzoner (NBC)	23
Bad News Beats (CBS)	0	Lavette and Shitley (ABC)	23
Batney Miller (ABC)	0	M.A.S.H. (CBS)	23
Beanes of Boston (CBS)	0	Fantasy Island (ABC)	28
Car Wash (NBC)	0	Quincy (NBC)	51
Carter Country (ABC)	0	Taxi (ABC)	52
CHiPS (NBC)	0	Salvage (ABC)	61
Different Strokes (NBC)	0	Steel Town (CBS)	65
Eight Is Enough (ABC)	0	Mary Tyler Moore Hour (CBS)	80
Happy Days (ABC)	0	Hawaii Five-O (CBS)	108
Hello Larty (NBC)	0	Barnaby Jones (CBS)	113
Just Friends (CBS)	0	Police Story (NBC)	127
Little House on the Prairie (NBC)	0	Time Express (CBS)	141
Miss Winslow and Son (CBS)	0	The Nightingales (NBC)	151
Mork and Mindy (ABC)	0	BJ and the Beat (NBC)	155
One Day at a Time (CBS)	0	Starsky and Hutch (ABC)	164
Osmond Family Show (ABC)	0	Vegas (ABC)	164
The White Shadow (CBS)	0	Supet Train (NBC)	170
Three's Company (ABC)	0	Incredible Hulk (CBS)	175
Welcome Back Kotter (ABC)	0	Walt Disney (NBC)	184
Who Dunnit Game (NBC)	0	Dukes of Hazard (CBS)	193
WKRP in Cincinnati (CBS)	0	Rockford Files (NBC)	241
Alice (CBS)	18	Greatest Heroes of the Bible (NBC)	259
Dallas (CBS)	18	Charlie's Angels (ABC)	278
Family (ABC)	18	Buffalo Soldiers (NBC)	299
Good Times (CBS)	18	Cliff Hangers (NBC)	373
Lou Grant (CBS)	18	The Duke (NBC)	382
Paper Chase (CBS)	18	Young Guy Christian (ABC)	434



# Justice Department challenges House version of U.S. law reform

The Justice Department is grumbling over several key aspects of the House version of the revised Federal criminal code, charging that the measure would severely hamper the government's battle against crime.

In testimony before a House Judiciary subcommittee last month, Philip B. Heymann, the head of the department's Criminal Division, noted that the current draft of the revision bill would strip prosecutors of needed tools, while failing to provide essential new authority contained in a version of the code passed last year by the Senate.

"It would be unwise and unacceptable to trade the present patchwork of Federal criminal laws for a systematic and simplified code that made the investigation and prosecution of crime more difficult," the assistant attorney general said.

According to the Washington Post, Heymann told reporters after the hearing that he could not support the House measure unless major changes were made. The bill was drafted by the subcommittee headed by Representative Robert F. Drinan (D-Massachusetts).

Heymann expressed particular concern over an article in the measure that would require a warrant for the use of taped evidence where one party consents to record another. He also challenged a proposal to cut Federal jurisdiction in probing corrupt state and local officials and the bill's lack

of a fraud-against-the-government statute. The subcommittee should further add a provision that would increase penalties to corporate offenders in health and safety violations to \$1 million, the Justice Department official said.

Observers noted that department support of the legislation is critical for its passage. The code revision approved by the Senate last year is considered to be much more in line with department's thinking on the matter.

A legislative aide told the Post that the Senate bill started with a conservative tinge and eventually moved toward center as it passed through the senatorial process. Meanwhile, the Drinan bill, which repre-

sents the first House attempt at criminal code reform, leans more to the liberal side of the political spectrum.

The difference between the two measures was explained by drafters of the House bill, who noted that a lobbying campaign by an alliance of the American Civil Liberties Union and the Business Roundtable has been especially persuasive.

The unusual coalition was prompted by the ACLU's concern with safeguarding individuals' rights and the business lobby's desire to spare corporate leaders from increased criminal liability.

Commenting on the apparent instance of strange political bedfellows, John Shattuck, the head of the ACLU's Washington,

D.C. office, said he could not recall any other issue in which the two groups' interests have coincided.

For his part, Drinan was not taken aback by Heymann's critical testimony. "He has to play a little hardball with all those law-and-order types over there," the congressman said. "I thought it would be worse."

He pointed out that the assistant attorney general had expressly challenged only about 10 of the hundreds of the bill's provisions, noting that his subcommittee would agree to Justice Department requests to keep a five-year statute of limitations for misdemeanors and to hike corporate fines to \$1 million.

## Chicago gets FBI aid in forming hostage squad; 73 experts will provide round-the-clock coverage

The Chicago Police Department acquired a new force of hostage negotiators earlier this month as the result of an exclusive FBI seminar which trained 68 officers and five sergeants in the art of effectively communicating with terrorists and barricaded persons.

The four-day training session, which is part of the department's effort to establish a formal antiterrorism plan, examined the theory, concepts and general guidelines of negotiations, while touching on the physi-

ological and psychological aspects of hostage situations, stress awareness procedure, techniques of settlement, and hostage case histories.

In announcing the program, Acting Superintendent Joseph DiLeonardi said that his force has so far been "fortunate" in dealing with hostage takers. "We have successfully handled hostage/barricade confrontation without loss of lives through a combination of street experience and training received through various outside

agencies as well as our own Training Division," he noted. "Common sense and the ability to deal with these individuals have been the two most important factors in our past experience."

But the acting superintendent noted that the rise in hostage situations throughout the country has prompted the department to develop "a formal plan of action which would be immediately initiated in response to a hostage/barricade/terrorist incident by summoning negotiators, containment teams and other personnel who may possess technical expertise."

Under the plan, the 73 new negotiators will continue to work in their usual assignments, but a special schedule will be maintained at Operations Command containing the beat numbers of the expert personnel by watch so that they can be quickly dispatched to hostage situations.

The negotiators will be reinforced at the scene by containment team personnel who have been trained in heavy weaponry, rescue and apprehension tactics. The containment specialists will be responsible for maintaining the perimeter security of the operation, which will be supervised by either the assistant superintendent on duty, the chief of patrol or the deputy chief of patrol in the area.

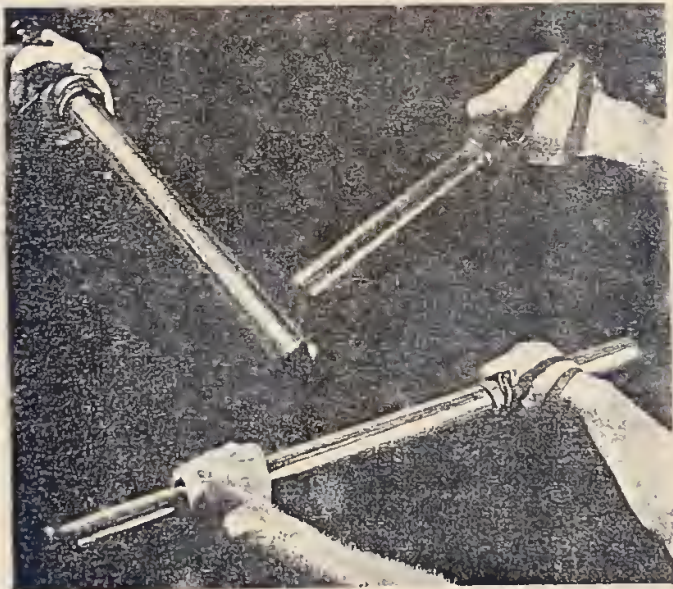
DiLeonardi emphasized the flexibility of the new policy. "Every situation is different and the officer in charge will proceed as he sees fit," he said. "The main objective of our training program is to provide the officer in charge with the best tools and the best techniques available to resolve the situation without loss of life."

Citing another major goal of the policy, the acting superintendent added, "Within an hour after a hostage/barricade situation has been identified, all personnel at the inner perimeter will be trained personnel who can assist in the successful solution of the situation."

In addition to the FBI training, the negotiation group received 30 hours of instruction from the faculty of Chicago city colleges and department specialists. The extra course material covered such topics as recognizing and dealing with various personality disorders and stress management.

According to a department spokesman, volunteers for the training were chosen on the basis of such factors as special technical skills, fluency in foreign languages, racial and sex mixture, geographical residency/work mixture, efficiency, education, and work experience. The group includes seven blacks, two Latinos, and seven females, and is fluent in 14 foreign languages.

### The Superwood Batons: Coca Bola (15") Night Stick (22") Riot Stick (36")



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# Supreme Court Briefs

By AVERY ELIOKIN

Breaking with yet another longstanding tradition, the Supreme Court refused earlier this summer to officially adjourn the 1978-79 term. The Court's action was seen as a response to many years of abuses by members of the Supreme Court bar who have used the summer adjournment as a delaying tactic. By instead calling a recess, the justices left themselves the option of returning at anytime during the summer to give a case full plenary consideration.

Although the Court did not convene for oral arguments during the summer it did continue to deliver full text plenary decisions into July. In addition, Justice Rehnquist delivered an in-chambers opinion in August which traced the development of the laws regarding search and seizure, concluding that a re-evaluation of the 65-year-old exclusionary rule was in order.

A review of the two plenary decisions follows.

## Due Process/Traffic Safety

Dividing 5-to-4, the Supreme Court has ruled that a Massachusetts statute which mandates a 90-day suspension of a driver's license for refusal to take a Breathalyzer test following a drunk driving arrest does not offend the due process clause of the 14th Amendment.

Chief Justice Burger, who delivered the opinion of the Court, observed that the statute in question is commonly known as an implied consent law. As a precondition of obtaining a license and driving on the public roads, an individual agrees that if arrested by police he will submit to a breath alcohol test. Refusal to do so statute is grounds for a 90-day license suspension.

In May 1976, the defendant was involved in a traffic accident in Acton, Massachusetts. When police arrived on the scene the defendant was unsteady on his feet, slurring his speech, and with the smell of alcohol on his breath. He was placed under arrest. At the police station the defendant was asked to take a Breathalyzer test. He refused to take the test, but after consulting with an attorney the defendant changed his mind and requested that the test be administered. The police turned down his request.

Under the statute that the Supreme Court ruled on, Mass. Gen. Laws Ann., ch.90, §24(1)(f), at the time a driver refuses to take the test the police have an obligation to file a report attesting to the suspect's refusal to participate in a breath alcohol test following a good arrest. The report, which must be endorsed by the police chief, is sent to the registrar of motor vehicles, who, receiving the report, and without a hearing, suspends the defendant's license for 90 days.

Prior to the registrar's receipt of the report in this case, a trial court dismissed the charges against the defendant because the police failed to administer the test when the defendant requested it. Despite the ruling by the court, however, the registrar of motor vehicles suspended the license, since he had no discretionary authority to stay a suspension.

Bypassing the administrative remedies available to him, the defendant filed an action in the United States District Court on behalf of all persons deprived of their licenses under the Massachusetts law. The

court, by a vote of 2-to-1, held that the defendant should have been afforded a pre-suspension hearing and that the law was unconstitutional.

The registrar of motor vehicles appealed the decision directly to the Supreme Court. In overturning the decision of the District Court the Supreme Court majority relied on three arguments. In the first instance, they noted, "the very existence of the summary sanction of the statute serves as a deterrent to drunk driving."

The majority opinion also stressed that the statute helps to "provide a strong inducement" to take the test, thus aiding the State in winning a conviction if criminal charges are entered. In a concurring opinion, Justices White, Powell, Blackmun and Rehnquist contended that the prompt removal of drunken drivers from the road contributes to the safety of the highways.

In dissent Justices Stewart, Brennan, Marshall and Stevens reasoned that "the most elemental principles of due process forbid a State from extracting this penalty without first affording the driver an opportunity to be heard." They went on to argue that the sole basis for the police report which initiates the registrar's suspension is not the act of drunken driving but rather the failure to cooperate with the police. (Mackey v. Montrym, No. 77-69, decision announced June 25, 1979.)

## Press Rights

In an unanimous decision, the Supreme Court has established that members of the press do not have right under either the First or Sixth Amendment to attend a pre-trial hearing which was closed by agreement of both the prosecution and the defense.

During the summer of 1976 a resident of a Rochester, New York suburb went fishing with two companions. The two companions returned along with a bullet-riddled boat, but without the third member of their party. Although the suburbanite's body was never found, his companions were charged with second-degree murder.

The fisherman's disappearance and the subsequent events leading up to the trial were covered by two Rochester daily newspapers published by one corporation. During pretrial motions, attorneys for the defendants argued that the "unabated buildup of adverse publicity had jeopardized the ability of the defendants to receive a fair trial." A motion was made to exclude the press from the pretrial hearings on the suppression of evidence. The district attorney did not object to the motion and the trial judge granted the request.

The parent corporation of the two Rochester newspapers requested that the Court give reporters access to the transcript of the pretrial hearing. The trial judge denied the publisher's request, noting that

Continued on Page 17

## Any Ideas?

Law Enforcement News regularly presents the Public Forum column to give readers an opportunity to comment at length on matters pertinent to policing. If you have any ideas dealing with the improvement of the criminal justice system, put them in commentary form and send your typed, manuscript, to the editors.

## Attorney group is inking list of expert fingerprint witnesses

Citing a perceived lack of fingerprint experts who are readily available to serve defense attorneys, the American Bar Association has begun compiling a list of such specialists to help ABA members locate and procure necessary forensic assistance.

The pilot project, which is being conducted by the ABA's 10,000-member Criminal Justice Section, is designed to test whether this type of referral system might be useful to judges and prosecutors as well as defense counsel.

"The overwhelming majority of latent fingerprint identification experts are active police officers who in most instances are precluded from making themselves available in cases other than their own departmental issues," said James N. Gramenos, chairman of the section's membership committee.

"In addition to being unable, they may also be unwilling to associate with counsel representing defendants accused of crime—even after they have retired from active law enforcement agency duty," he added.

Pointing out that the experts who are available "are not readily known," Gramenos said that the ABA referral system will attempt to establish a line of communication between those who need the service and those who are able to provide it. He stressed, however, that his organization would not vouch for either the specialists or their expertise.

Gramenos, who serves as a public defender in Cook County, Illinois, cited an LEAA report which he said points to the severe need of defenders for a greater parity with police and prosecutors in their ability to find and utilize latent print

services.

While the LEAA report suggests that "the problem of providing equal forensic service to both prosecution and defense has no easy answer," the ABA official noted that the study confirms the need for the increased quality and availability of such services throughout the criminal justice system.

Individual print specialists who wish to be included on the ABA list should submit a one-page resume containing name, mailing address and phone number; training and education received, and experience, including courts in which they have been qualified as a latent fingerprint witness and the number of times they have testified in this capacity. The material should be sent to: ABA Criminal Justice Section, 1800 M Street, N.W., 2nd Floor, South, Washington, DC 20036.

The service will initially be limited to ABA Criminal Justice Section members who will be required to send a self-addressed, stamped envelope for the information. The return package will include resumes submitted by the experts and a bibliography of selected readings on latent fingerprint examinations, comparisons of prints and the utilization of expert print witnesses.

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# Italian police struggle to stop Sardinian kidnappings; CB or not CB is the question in Britain; Philippine informers are disarmed

## Decline in Italian terrorism displaced by kidnapping wave

A summertime lull in terrorist activity in Italy was interrupted by a rash of kidnappings on the Mediterranean island of Sardinia last month, prompting the Italian government to send in the chief of its special antiterrorist squad.

According to several news dispatches, Brigadier General Carlo Alberro Dalla Chiesa flew to Sardinia on August 28 apparently to investigate whether the 12 kidnappings that have occurred on the island this summer were linked to the radical underground.

Chiesa's arrival followed the abduction of two of Italy's most popular folk singers, Fabrizio de Andre and Dori Ghezzi, who disappeared from their farm in northern Sardinia. The dual abduction brought to 40 the number of kidnappings that have occurred in Italy this year. Thirteen of the crimes have taken place in Sardinia and ten of the victims are still being held by their abductors.

Among the most recent victims were a British businessman and his family who were abducted by a group calling itself "Red Guerrilla," two children of a wealthy Piedmontese banker, the family of a Milanese industrialist, and a young married couple who were released, reportedly for a

ransom of more than \$1 million.

In contrast to the kidnapping epidemic in Sardinia, the rest of Italy has experienced a reprieve from terrorism this summer. Officials claim that such groups as the Red Brigades are running for cover because Dalla Chiesa's multi-unit task force is tracking them down.

However, critics contended that terrorism had also tapered off in the summer of 1978, without the prompting of special police action. When the Red Brigades resumed their deadly tricks last fall, it was suggested that the terrorists used the money they had acquired through bank robberies and extortion to join their wealthy victims in seaside vacations. This summer, some of the terrorists had been found to have gone abroad. Franco Piperno, a 36-year-old physicist and an activist in Italy's radical movement, was arrested in a Paris cafe by French police who were apparently tipped off by Italian agents.

Piperno had eluded Italian police in April, when officers set up a nationwide dragnet in which 15 suspected terrorists were arrested. A warrant was issued on Piperno but he ignored it, taunting the police by giving newspaper interviews, having his picture taken and publicly criticizing the investigators.

Upon Piperno's capture, Italy immediately

asked for his extradition, but a Paris court rejected the request on the ground that insufficient evidence had been produced. Italian officials subsequently submitted a second extradition order, charging Piperno with murder and complicity in the 1978 kidnapping of former Prime Minister Aldo Moro.

While the French judiciary considers the new request, Italian police have pulled off another antiterrorist coup, arresting two long-sought neo-Fascists in Latin America.

The pair, Giovanni Ventura, 35, and Franco Freda, 38, were both sentenced to life imprisonment by an Italian court last September for their part in a 1969 Milan bank bombing. Sixteen persons had been killed in the blast and more than 80 were injured.

Both terrorists had managed to flee Italy while their long trial was proceeding. The verdict was handed down in their absence, and the fugitives appealed through their lawyers.

After the two were traced, Ventura was arrested in Argentina and Freda was apprehended in Costa Rica. While Argentinian officials have delayed Ventura's extradition, Freda was immediately handed over to Italian authorities on the grounds that he had entered Costa Rica illegally.

Despite the recent successes scored by the police, several Italian politicians and newspapers have charged that the public is being kept in the dark about the antiterrorism campaign.

But Premier Francesco Cossiga's decision to send General Dalla Chiesa to Sardinia to help clear up the kidnapping problem may be an indication that the police have gained a new measure of respect.

Although they were recently reorganized, Italian police forces and undercover services have been plagued by factional infighting and were in need of some victories. One observer noted that the apprehension of Piperno, Ventura and Freda has unquestionably boosted both the morale and prestige of the Italian law enforcement agencies.

## Citizen band ban in England has British smokers hopping

British police apprehended 37 suspects for criminal possession during the first six months of 1979, but the culprits weren't charged with holding narcotics or unauthorized firearms; they were arrested for owning citizen band radios.

According to the British magazine *Security Gazette*, the 37 "good buddies" were among the estimated 20,000 CB owners that illegally operate the radios in the island nation. Each user faces a fine of approximately \$900 if apprehended.

The Home Office, which has limited control over all law enforcement operations in Britain, is apparently taking the CB ban very seriously. This summer, officials staged a massive crackdown on violators, raiding an unofficial CB club that was holding a meeting at a Chislehurst pub and checking on the importation of CBs

through the Post Office and the customs and excise bureau.

Although there has been some public pressure to open the citizens band to the British public, the Home Office fears a breach of domestic security if the sets were legalized, noting that such a move would open up the use of CB by criminals.

In its report, *Security Gazette* noted that the popularity of the illegal transceivers has grown in Great Britain since the release of the Kris Kristofferson film "Convoy," which focuses on the use of CBs in the United States.

"Whereas in this country there is a determination to stamp out CB radio," the magazine stated, "in the United States some 40 million people use CB while driving, talking to each other about traffic jams, accidents, emergencies, and police traps."

But subjects of the Crown must pay a dear price to illegally grab a piece of the airwaves. It has been estimated that a CB worth \$135 in American can be sold for as much as \$675 in England. "Many (of the radios) are imported," the article said, "which is why the Customs and Excise are being as vigilant as the Home Office on CB, which the Americans believe saves up to 10,000 road deaths a year."

## Civilian informant force charged in torture killings

Philippine law enforcement officials began disarming the national constabulary's network of paramilitary civilian informants earlier this month in response to a series of complaints about torture sessions allegedly conducted by the informants against other citizens.

The constabulary commander for Davao, a city 600 miles south-east of Manila, told the Associated Press that the disarmament order applied to the hundreds of members of the Civilian Home Defense Forces. The paramilitary units are deployed under the island nation's state of martial law to provide the police with information on suspected subversives.

In Davao, the commander, Lieutenant Colonel Wilfredo Cruz, said he had ordered the arrest of a lieutenant and two informants who have been accused in the robbery and murder of two businessmen. The dual homicide is among a number of cases that are reportedly being investigated in regard to the alleged torture and killing of suspected political activists.

## Russian crime rise prompts call for public order

Soviet officials have called on their comrades to initiate a national effort to strengthen public order, apparently in an attempt to stem the USSR's rising crime rate.

As reported by Reuters last month, the order instructed local authorities to place particular emphasis on street crime, offenses connected with drunkenness, juvenile delinquency, misuse of state property and economic speculation.



## EUROPEAN POLICING

### The Law Enforcement News Interviews

edited, with an introduction by  
**Michael Balton**

Preface by  
**P.J. Stead**

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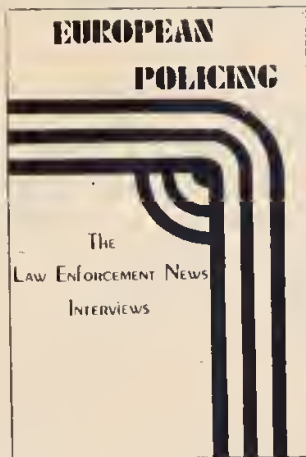
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# Seniors take comic approach toward crime

A senior citizens organization is attempting to move crime off the front pages and onto the funny pages of the nation's newspapers by offering publishers and civic groups a series of comic strips designed to illustrate several simple crime prevention techniques.

The series, which was produced and is being distributed free of charge by the National Retired Teachers Association/American Association of Retired Persons, features Thelma Thwartum, an alert, civic-minded older woman who motivates her community to tighten the lid on criminal opportunity.

Another character in the set of 25, four-panel comic strips is Sergeant "Tip" O'Leary, a veteran policeman who provides Thwartum with the information she needs to help make her community more crime-proof.

The interaction between O'Leary and Thwartum demonstrates the necessity of close cooperation between citizens and their local law enforcement agency.

The sergeant, who makes Dick Tracy look like a malingering, appears on television to present crime prevention tips, does a security check of Thwartum's home, helps create a neighborhood watch program, conducts an antifraud seminar, and supervises the apprehension of a local burglary team.

Thwartum closely follows the sergeant's anticrime advice. She sees through the schemes of con men, telephones the police when she spots suspicious activity in her neighborhood, and generally helps her friends and neighbors to avoid becoming the victims of criminals.

While the crime prevention tips that appear in the "Thelma Thwartum" series may appear to be simplistic, an NRTA-AARP spokesman noted that the techniques are important in reducing high-volume crimes.

"The crime types that bother most people are so opportunistic that simple crime prevention techniques can often reduce these crimes by reducing opportunity," he said. "As an example, the national crime surveys revealed that in 1977 almost 1,200,000 vehicles were stolen. The National Auto Theft Bureau estimated the resultant economic loss to be about \$1.9 billion. In a large eastern city where auto thefts were among the highest in the nation, auto theft was reduced 48 percent over a period of two years as a result of public service media campaigns asking auto owners to take their keys and lock their vehicle doors."

Several of the NRTA-AARP comic strips show how Thwartum outfoxes con men by applying the advice of Sergeant O'Leary in different situations.

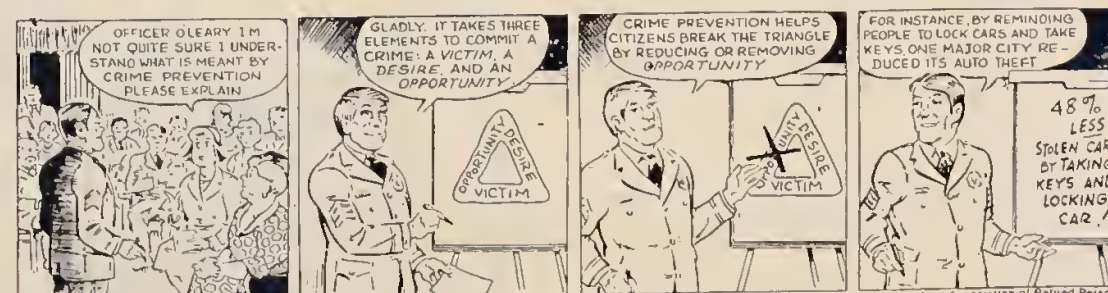
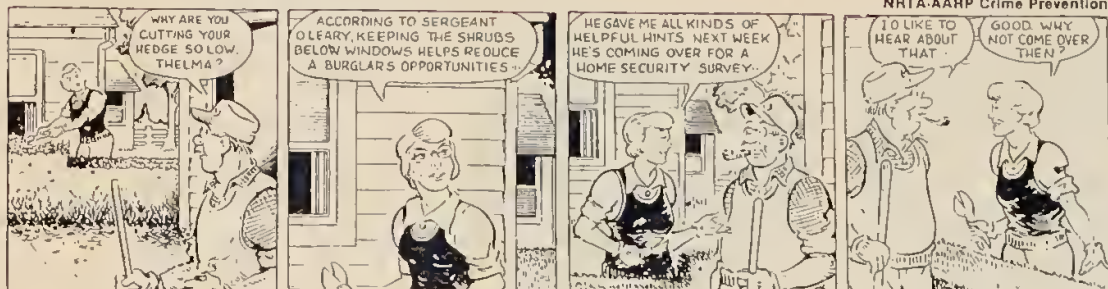
"Fraud is a crime over which the victim has control, since one cannot be swindled unless one cooperates with the swindler," the spokesman explained. "Crime prevention practices can thwart the con man."

NRTA-AARP has announced that it is offering camera-ready copies of the series as a public service to bolster its continuing effort to promote citizen crime prevention initiatives. A new series of the "Thelma Thwartum" feature will be available for publication during 1980.

Agencies or civic groups that are interested in co-sponsoring the publication of the strip in their local papers should write Crime Prevention Section, Code CPS, NRTA-AARP, 1909 K Street, N.W., Washington, DC 20049.

## THELMA THWARTUM -- By Alex

A Public Service of  
NRTA-AARP Crime Prevention



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Above is a limited sample of four-panel comic strips that are being distributed by the senior citizens group.



## Developing better courtroom evidence . . .

# Indiana photography program provides a camera for every trooper

Smaller is better for the troopers and detectives of the Indiana State Police, who have recently traded their bulky, single-shot camera equipment for 35mm compact outfits in a police photography program that is regarded as one of the best in the nation.

Captain Ron Mertens, who coordinates the program as head of the Indiana State Police Laboratory, noted that in the 1940's Indiana became one of the first states to provide cameras to certain units of its force to enhance their investigations of traffic accidents.

Based on the success of the limited project, all troopers were subsequently equipped with 4x5 Crown Graphics, a bellows-type camera which can produce sharp, detailed photographs. But the Graphics with their accompanying flash-bulb units were considered too cumbersome for fast-paced law enforcement work, and last year the state police found a substitute, choosing a 35mm Pentax camera and a Soligor MK-10A electronic strobe unit.

Mertens observed that the troopers and detectives are "elated" with the switch. "You can imagine how these guys feel who have been carrying around these Graphics with the film holders and No. 5 flashbulbs and all that," he told Law Enforcement News. "Now they got this small, compact unit that you can take 20 pictures without any effort at all. It's got a lot of advantages over the Graphic."

To finance the changeover, State Police Superintendent John T. Shettle helped secure a grant from the Federal Department of Traffic Safety that was used to purchase the new outfits for every one of the department's 565 troopers.

According to Mertens, the Pentax units were ordered with 35mm lenses which give a slightly wider field of view than the standard 50mm lens. "I hate to use the word 'wide angle' because it makes people think that there's distortion involved," he said. "But it allows them to take photographs of semis lying down on their sides and all that without backing up excessively. And at nighttime you need a flash, so [with the 35mm lens] their flash subject is closer."

Commenting on the troopers' new flash units, the forensics chief noted that the Soligor MK-10A was picked after the department had extensively tested five strobes. "[The Soligor] is relatively lightweight, self-contained, has a horseshoe connector to the camera, and is capable of

long distance shots," he observed. "We also appreciated the bounce-light feature and the choice of manual or automatic exposure control."

The photography kit used by Indiana state detectives to capture crime scenes on film is a bit more sophisticated than the standard trooper outfit. The investigators use a better quality Pentax model with a choice of lenses and accessories.

Mertens explained that the detectives require the better equipment because "often times they have to take closeup photographs of something the size of a penny. They use a 50 mm lens and supplement it with some closeup attachments."

The detectives shoot only color film for their investigative photos. "Color plays a key role in the evaluation of a scene," the captain said. "It's of primary importance in homicides and other criminal investigations where the color of things is critical — like where blood might be or [to show] the color of a scarf that might be laying on a scene. An eyewitness might say it's red and the suspect might say it's yellow."

When presented as evidence in court the photos don't lie. "We have the person who took the photograph testify that it is true representation of the scene," Mertens stated. "We give it a very important role in that respect, both traffic-wise and investigation wise."

For shooting traffic accident scenes, the troopers use black-and-white film as a cost-saving measure. However, the captain noted that the force eventually wants to use color film for all of its photography.

"In traffic accidents, we're more concerned with just what happened and why," he noted. "There's usually more evidence and it's less contested, so we find black and white satisfactory for accidents."

Mertens estimated that his centralized photo lab processes 150,000 black-and-white prints and from 110,000 to 115,000 color prints annually. The lab is staffed by a printer and a clerk who handle the black-and-white workload and a similar team which processes the color prints.

To expose new troopers to the program, a full day of a recruit's academy training is

Continued on Page 17

**Burden retorts  
tort claims bill.  
See page 15.**



An unidentified trooper steps back to get a better angle on a car that was involved in a highway crash. Accident photos are printed in black & white, while crime scenes are shot in color.



These photos, originally printed in color, were used as evidence against a man who was charged with vandalizing an Indiana State Police helicopter. Shards of the chopper's plexiglass are intermingled with pieces of taillight lens from the defendant's pick-up truck, which he allegedly smashed into the aircraft. A ruler is used to help tell the story.

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# The plight of police in India

## An interview with Dr. Anandswarup Gupta, founder of India's Police Research and Development Bureau

Dr. Anandswarup Gupta retired as director of India's Bureau of Police Research and Development in 1974, capping a 35-year law enforcement career at the rank of Inspector General of Police.

Since his retirement, Gupta has remained active on the world criminal justice scene, attending the Fifth United Nations Congress on the Prevention of Crime, serving as president of the Indian Academy of Forensic Sciences, lecturing on police procedures, and writing a definitive book on the history of policing in India.

The 64-year-old executive joined the Indian Police in 1939 and became principal of the Police Training College at Moradabad after only nine years of service. He continued to work his way up through the administrative ranks to become, superintendent, deputy inspector and ultimately inspector general.

In 1970 he founded the nation's first police research and development section, a unit that is responsible for the modernization of India's numerous law enforcement agencies. After a year as director of the bureau, he established the Institute of Criminology and Forensic Science in New Delhi.

Gupta holds a bachelor's degree in physics, chemistry and mathematics; a master's in English literature; a doctorate in philosophy, and a law degree. He is certified as an advocate in the Supreme Court of India in New Delhi and the High Court of Allahabad.

The author of numerous books and papers on the past and present state of policing in his country, Gupta's published works include such titles as *Crime and Police in India (up to 1861)*, *Trends in Law and Order, Crime and the Police (1947-1972)*, and *The Police in British India 1861-1947*. He is currently writing a sequel to the latter book which will explore Indian policing from 1947 to the present.

This interview was conducted for Law Enforcement News by Michael Balton.

• • •

LEN: What contribution did the British regime make with regard to the organization of police services in India?

GUPTA: The British connection in India started with the British East India Company. At that time trade was their main objective but after the Crown had taken over the country in 1858 the entire system was revised and molded in such a fashion that would help maintain English rule in the country. The Indian penal code, which is the substantive law for criminal offenses in India, was enacted in 1860, the law of criminal procedure in 1861. The Police Act was also adopted in 1861. Now while establishing the police system, the objective given to the police commis-

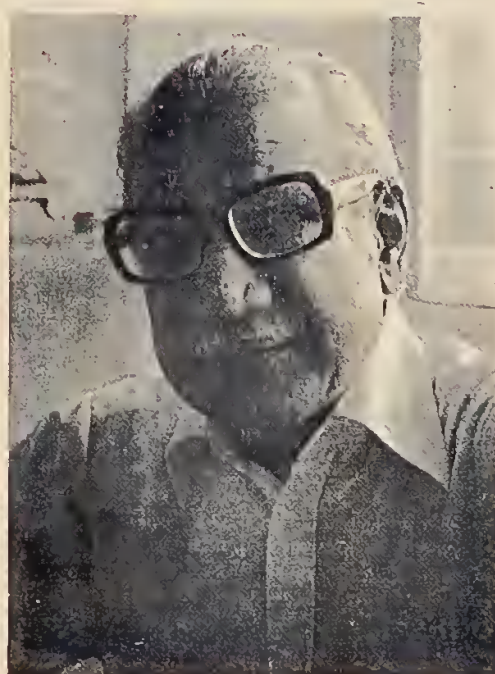


Photo by Robert Balton

Dr. Anandswarup Gupta

try. Since 1969, it has also been advancing funds, by way of grants and loans, for the modernization of the police, for equipping the police forces better with motor vehicles, forensic science laboratories, wireless sets, and so on. LEN: You were assigned to Great Britain in the early '50's to study the British police system. Do you believe such exchanges are valuable?

GUPTA: I think they are of very considerable value. They broaden your mind to look at police problems. After all, police problems are human problems and they're common everywhere all over the world and such exchanges enable one to see how other people and other governments are attacking them — what the relationship is between the police and the public and what is the basis of that relationship, is it good or bad or indifferent. I think it's very good, I consider my five months in England in 1952 one of the most useful periods in my service.

LEN: You have implied that the framework set up during the British regime has been a factor leading the recent history of unrest in Indian police. . .

evidence; it just can't come before the court. That is a kind of, you may say, clothing the police in a distrust of the law. Now he is the enforcement officer of the law, he is the right hand of the law, and if the law itself does not trust him, how can the public trust him? The third reason is that during British times, with the repressive function, there was a gulf between the people and the police. The system has not been changed. The police are still responsible to the executive arm of the government, as distinct from the judicial arm, and the people tend to believe that, just as in British days, they are the agents of the British power. They feel that even now, after we have become a democracy, the police still seem or appear to the people to be the agents of the English. So that the gulf between the people and the police still remains. The policeman today feels absolutely isolated from society, nobody's child. When their bad conditions of service, or unsatisfactory conditions of service, are imposed on this sort of situation, what else can you have except this unrest. I am in fact surprised that it has taken so long to burst out.

LEN: To get specifically to the recent disruptions, the press has reported that a "minor incident" had touched off what it described as a national "police riot" in India. Is that an accurate assessment?

GUPTA: As happens in many bad situations there is a simmering unrest. Then some little incident happens and the thing breaks out. What happened in this particular case, in the state of Punjab, a political representative of the people was checked by a policeman for something. Instead of answering as he should have, the official slapped the officer. Now that insult could not have been taken by the force and there was an immediate reaction. Then the Punjab government reacted; they immediately sanctioned a very large increase in their wages. This sort of reaction led police people in other states to think that if you agitate you get improvement in your conditions.

LEN: You were a member of an administrative reform commission in 1967. What were some of the major findings of that group?

GUPTA: They recommended that all these things that I have just described should radically be changed. We should remold our system according to the needs of a democracy, and more in line with what democratic countries are doing, like England, the United States, and so on. Put in some sort of accountability to the people, through the local representatives or entirely to the judiciary, but don't let police be so completely accountable to the executive authority, so they can be misused.

LEN: But based on what's happening now, obviously not all of the recommendations were followed. Did the government try to act on some of them?

GUPTA: Unfortunately, to tell the truth, none of the recommendations were followed. The Administrative Reform Commission has not considered them because for political reasons the commission was dissolved before it could give us the findings. But right now, a national police commission is sitting in India, which was appointed after the new government came into power following the emergency in 1977. That national police commission is going very thoroughly into the history, background, efficiency, capabilities of the police, and I'm hoping that they will make radical recommendation so that we do get the system that we need for the establishment of a democracy.

LEN: Do you think the latest police unrest has been a factor in the recent resignation of Prime Minister Desai?

GUPTA: It has had its contribution to make, I would think. I have not been in India for some weeks and I've been traveling since. I spent a month in Frankfurt then 2 days in London then came here. There has been a lot of discontent among the people and also in the party, because when they put out their manifesto in 1977 after the emergency, it was a kind of reaction; they promised all kinds of things. Now India is a very big country, India is a very poor country and it has not been possible for any political party to implement the kind of promises they make at election time. Unfortunately, this party made far too many promises, and it has not been able to fulfill

Continued on Page 11

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**'Constables were always kept at a level lower even than that of an unskilled worker because they thought the officer had other advantages [such as] free uniforms.'**

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sion was that the functions of police are either repressive or protective with respect to the people or preventive and detective. That means that what are considered in independent countries to be the primary functions of the police — that is the prevention and the detection of crime — were relegated to third place. The first place was repression. The people had to be repressed. Now that is reflected in every aspect of the police organization and the criminal law of the country.

LEN: Could you describe the structure? Is there a national police force in India?

GUPTA: In British times as well as now, India is a kind of federation of states. They were called provinces in British times, they're called states now and the police are organized at the state level. The maintenance of order and the prevention and detection of crime are state subjects. The state governments are entirely responsible, the federal government cannot give any directions to state governments in this sphere of responsibility.

LEN: And they're state funded as well?

GUPTA: Yes, they're funded on the state level. The central government and the Federal government does exercise advisory functions with a view toward maintaining uniformity of police arrangements all over the coun-

GUPTA: There are simple reasons for this unrest and quite a lot of them flow from the organization and other aspects of the system as set up by the British people. First of all is the conditions of service. Now the constable — the lowest rank of police — was treated by the British people as an unskilled worker. And in India we were always kept at a level lower even than that of the unskilled worker because they thought that he had other advantages. For instance, he got free uniforms, he got free accommodations, he had pensionary benefits. It is that philosophy which has created the current discontent because at that time they use to take only illiterate people in the police force. You remember I mentioned that repressive function. Now it is easier for an illiterate person to act, whatever the master wants him to do, but an educated person would hesitate before using force like the rifle. After independence the tendency has been for an increasing number of educated people to join the police as constables. In fact, we have a number of graduates in the police force in the rank of constable. And so the old philosophy of treating them as unskilled workers and setting their wages at that level has created unrest. The second thing is that, unlike most countries, a confession before the police is altogether inadmissible as



**'[The right to unionize] is being considered, but subject to two conditions. One is that they will not allow any non-police officer to be a member of the union. Secondly, they will not have a right to strike for the improvement of their conditions.'**

Continued from Page 10

those promises in any respect. With the result that discontent among the people has been growing.

LEN: Did one of the promises involve the police. . .

GUPTA: The promises didn't involve the police. But the police have been kind of the whipping boy because they're used for all kinds of things. The police have been used to put down strikes. Now the police say, "Nobody cares for us. We are being used to put down everybody, but we are being put down. We are being used to maintain the government, and yet the government doesn't care for us." But in the political party certainly Mr. Desai's reputation as an administrator and as a leader has been affected seriously by this police unrest.

LEN: As far as police putting down citizen unrest, the press has mentioned something about a paramilitary force. Is that connected to the police or more a part of the army?

GUPTA: Well, as I said, the states have the normal police force. Now the normal police force itself consists of what is called the police station force, which is an executive force, and armed reserves to put down disorders. Now, some of the states of India are very big. They can maintain their own armed forces as well as civil police. For instance my force in Uttar Pradesh has a strength of about 100,000 men. Out of that are 40,000 armed reserves. But then our much smaller states, of seven districts or five districts, cannot afford to have adequate police from their own resources, so the federal government has been maintaining, in increasing strength since independence, two forces. One is called the Central Reserve Police. It is a paramilitary force, equipped with comparatively sophisticated weapons, machine guns and so on. They are given primarily to the smaller states to help them in meeting law and order situations. After we had the Pakistan war in 1965, on both sides of the border there was a border security force. That force is primarily intended, on either side of the country, to look after the border. It is never safe to have two armies facing each other, so they form a kind of buffer zone. But since the armed force is there and if the local force plus the CRP is inadequate in a given situation, then the border security force is also used to help maintain internal order.

LEN: Is that the force that used in the recent police disturbance?

GUPTA: No, they used the Central Reserve Police and so the unrest has also spread to the Central Reserve Police. There is also a third force, the Central Industrial Security Force. India now has a very big public sector, and to keep order in those plant areas the Central Industrial Security Force provides a police presence. So there has been unrest in the paramilitary forces. In fact, in the state of Bihar firing from both sides when the army came in, and there were bitter casualties.

LEN: In the United States, the actions of police officer groups have led to the dismissal of several top police chiefs recently. Do you believe officers in India are beginning to achieve a similar political power?

GUPTA: As regards the appointment of senior police officers in India, the system is a little different in the United States than India. In India we have a superior police service which is called the Indian Police. It is recruited centrally and trained centrally, and they enter the force at the middle level, at the level of assistant superintendent of police. After recruitment at the central level, officers are allotted to the states in accordance with their needs. Now then, they're supposed to rise by a system of merit and seniority. There have been many many instances in which officers on practically all levels, including the highest, have been transferred or suspended or removed or even dismissed on political grounds. Otherwise there was no complaint against them. I was told the other day that in New York the commissioner was appointed by the mayor's sole discretion. Unlike the President's cabinet, requiring confirmation from the Senate, the police chief appointed by the mayor does not require any confirmation. So this is totally a political appointment. I was also told that he need not be a serving police officer; he could be an attorney. But in India the police chief must be a police officer. He cannot be drawn from any other service or profession.

LEN: So he's taken out of this national pool, in a sense?

GUPTA: Yes, and with the central government having all

these large forces, the officers for these forces are largely drawn from the states by a process of reputation. They come over for three, four or five years, serve with the central, then go back to their states. We have, of course, at the central level two other organizations. There is a Central Bureau of Investigation. . .

LEN: Is that similar to our FBI?

GUPTA: Yes, and that is also the national agency for Interpol in India. Now they investigate cases of very large frauds or with interstate ramifications, or cases with very serious political import. But one of their main responsibilities is to deal with corruption by central government employees and Federal government employees. Then, of course, there is the intelligence agency, as in all countries.

LEN: Several government officials in India have reportedly charged that the recent police uprisings were instigated, in part, by Communists. Is that a fair assessment?

GUPTA: I don't know, I think that is a lot of kite-flying, personally. The police people do not allow politicians and political parties to infiltrate them for purposes of propaganda. I mean they are automatically rather sealed off, of their own choice, from the politicians. Except the ruling party — they would not abide that. It may be that in one or two states there may have been some contacts

**'The job of the police is such that they have tremendous power, and it requires a very strong character for a person with that power not to abuse it for personal gain.'**

between politicians and the leaders of the police who led the unrest, because the Communist party is not uniformly strong all over the country. It is stronger in some states than in others. Two states in which it is particularly strong are West Bengal and Kerala. There has been no unrest in West Bengal there has been some in Kerala. But in other places the Communists don't have a real voice. And if there has been any political hand found in this unrest, because it is in their interest to create cause for conditions here in the country to bring down the government.

LEN: Are police allowed to unionize India?

GUPTA: Now they're being allowed to, but not up to now. This has been one of their demands and it is being considered, but subject to two conditions. One is that they will not allow any non-police officer to be a member of the union. Secondly, they will not have a right to strike for the improvement of their conditions.

LEN: Does widespread police brutality or corruption exist in India, as press reports here have indicated? If so, how is this corruption handled?

GUPTA: As you know I have studied the British police first hand, and only a smattering of the American System. I think that the question of police corruption is one that is inevitable in any police force. It's bound to be there. The question is entirely one of degree. It would partly depend on the conditions of service, but it also depends on human nature. The job of the police is such that they have tremendous power, and it requires a very strong character for a person with that power not to abuse it for personal gain. After all, we take the police force from the society, and which field of life is there in which there is no corruption? I think corruption pervades every aspect of human activity. But I don't think there is as much corruption in the police as is usually talked about. In any case, the police in India are divided into civil police and armed police, and as far as the armed police are concerned, they don't have any opportunities for corruption. There is no corruption whatsoever in the armed police. When I was in my last assignment as director of the Bureau of Police Research and Development, I wrote a study made through the National Productivity Council of the functioning of the police in Delhi and Bombay, two metropolises. One of the findings of that study in respect to Bombay was that there was much less corruption in the Bombay police than was popularly believed. Now this was a scientific study carried out by experts who had nothing to do with the police force, who were not interested in it in any way.

LEN: When instances of corruption are uncovered, how are they handled?

GUPTA: First, corruption is a federal offense in the penal

code. Besides, there is a Prevention of Corruption Act, a separate act passed shortly after independence. So when there is a complaint of corruption, there is an investigation either under the penal code or under the Prevention of Corruption Act. It could be carried out by the district police at the state level, or there are criminal investigation departments, which would be the case with senior officers. Or the central government offers help and then it would be handled by the CBI. Then there are either prosecutions, or they may say the case should be handled through departmental disciplinary channels. The man could be compulsorily retired — could be dismissed. Or alternatively, if he is tried by a criminal court he may go to jail.

LEN: You mentioned that there's an armed service and civil service?

GUPTA: There is an armed branch and a civil branch in the police force in each state.

LEN: And the civil branch doesn't carry weapons?

GUPTA: They keep weapons in police stations, and they are trained in the use of weapons. The officer class, or the sub-inspector class — our lowest rank is constable, then head constable, then sub-inspector — carries revolvers on duty when in uniform. But the constables ordinary do not. Sometimes in sensitive areas they might carry rifles or

mu." —d then they would go out in units of two.

LEN: . . . mentioned before the relatively low salaries paid to Indian officers. Could you offer some idea of pay scales in terms of American money, how much that would be and how much it relates to what other workers are paid in India?

GUPTA: I think that the on an average the lowest rank of police officer, the constable, gets about \$50 a month plus uniform and free quarters.

LEN: And how does that salary compare for example to a factory worker in India?

GUPTA: It is about the lowest in employment in industry. It would be the base for the unskilled worker. There is another difference. Up to now there has been no fixed number of hours or days for the policeman. A policeman is always on duty, 24 hours a day, seven days a week, every month of the year, and so on. He has a month's privilege leave on full pay and another month on half pay, and he can get about 20 days casual leave. But otherwise he has no holidays, no Sundays; police stations are open all the time as you have it. You have beats and so on, but we don't have that.

LEN: The police are constantly on duty?

GUPTA: Constantly on duty, so in that way their wage compares very unfavorably. They do deploy the force in such a fashion that the man gets some rest, but the strength is so small and the crime rates are increasing so

Continued on Page 12



Illustration by Paul Dauterive



# LEN interview: Dr. Anandswarup Gupta of India

Continued from Page 11

they work under great pressure. One effect of that, of course is that perhaps the extent of patrolling that the public expects from police in the streets is not there. At the same time I must mention, though, that the rate of crime is much lower in India than in affluent Western countries.

LEN: What is the attitude of citizens towards the current police unrest?

GUPTA: I'm afraid the police do not enjoy the citizens' confidence to the extent that we would like to see. Some of the reasons for that I explained they are always treated as somebody else's agent, and the law does not trust them. The policeman's job is a very difficult one and I believe it could never be performed efficiently without public cooperation. If our police are not as efficient as we'd like to have them, one reason is that it is a vicious circle, we don't have the people's cooperation therefore we are not as efficient as we could be, and so on.

LEN: Are there any programs underway to try to get this cooperation?

GUPTA: There are several programs, both in the matter of training the police officers, and then creating the awareness in the public of the importance of the policeman's job and the importance of cooperation with them. Awareness of the stresses under which they work, of the reasons why they do not have more success in, say theft investigations or robbery investigations. But as in other countries, our criminal justice system is also breaking down; there's far too much load on it. There are interminable delays, the backlog of cases pending with the for investigation is increasing constantly, the same as the backlog of cases pending trial in court is increasing constantly. And we do not have the resources to go increas-

ing the number of police or the number of courts. It is a very difficult problem. We do not have the plea bargaining system of America. Perhaps if we could introduce something like that it might help to cut down the backlog.

LEN: You were the principal of the Police Training College for several years. What is the purpose of that school?

GUPTA: In our police system, the constable is not a full-fledged police officer; his powers are limited. For new recruits to the rank of constable we have recruit training schools all over the country. The recruits are given a six month course in the school and then six months of practical training on the beat. Then promoted from them are head constables who have to surprise the constables' duties. Then we have the rank of sub-inspector. The sub-inspector is the full-fledged police officer with all the powers of investigation, search and arrest. For the training of police officers with the rank of sub-inspector and above — the officer class that I mentioned earlier on — we have the police training colleges. They do basic courses as well as various promotion courses and specialized courses such as police community relations, crime prevention, vice, those kinds of things. The police training colleges in British times offered only very simple courses; there were hardly any elements of social sciences in the training of police officers. But simultaneous with my being appointed commandant of the Police College, the government also appointed a committee to devise a syllabus of all the courses, and when produced it would contain social sciences, psychology, management, leadership courses, things like that in the police syllabi. Then the people would know what is expected of them. They will not be mere machines for enforcement of the criminal law.

LEN: Has this made a difference in improving the forces?

GUPTA: It made a difference, and much more recently, in 1970, when I was in my last assignment, the then prime minister was Mrs. Gandhi, and she appointed a committee at the central level to go into the question of training of police officers all over the country. I was member-secretary as I had mentioned. That committee has introduced further sophistication to the training of police officers, and those recommendations have been accepted consequently by the states. We have improved greatly on the training of police officers. But it is one thing to train a man in the arts and sciences of the trade, and it is quite another to insure that he will be able to utilize all that in the field — when conditions are congenial. If after receiving all this training he has to work in an environment which is hostile to efficiency or honesty, then it is a strain on the mind and character of the man, and various people are unable to cope with it to any extent.

LEN: Despite the improvements, do you think your country is in line for another round of police disturbances?

GUPTA: Well, I think not immediately, because from what I've been reading in the papers they are doing something to the living conditions, to raise them and increase then and improve them to the minimum necessary extent that would make the men reasonably content. The officer class has also been discontented, and what is there about that will remain to be seen by the National Police Commission that I mentioned.

LEN: What were some of the concessions that the administration made in order to quell the disturbances?

GUPTA: Just now, basically only two. They have improved the pay scales and they have allowed them union rights, the right to form associations.

LEN: As the first director of the Bureau of Police Research and Development, what was your role in creating that bureau?

GUPTA: The bureau had two divisions to begin with. In the research division we took up various programs relating to police problems and subjected them to scientific study to see how they could be resolved — either by changes of laws or procedures, or input of certain other things.

In the development division we concentrated on police equipment, and there were basically only four areas: armament, transport, scientific aids to investigation, and their wireless. Now for crowd control, for instance, in armament I started experiments on the use of rubber bullets and then their imminent production. That has gone into use to a limited extent. Similarly, in the area of transport in India you have very big crowds, there are law and order situations dealing with very big crowds. The tendency gradually has been, for very many reasons, an increase in violence, and these crowds very often throw bottles or other missiles. So if the police have to approach them to disperse them and yet use a minimum of force, they have to be armed in vehicles in which they can get nearer to the crowd without being hurt. So one of things we were trying to develop were ways in which they could proceed without getting hurt, and yet use their weaponry to advantage.

LEN: As in a form of armored vehicle?

GUPTA: Yes, precisely. Of course, a great deal of work has been done in the electronics field to improve the wireless services of the police. Great advances have also been made in the use of forensic science. When we became independent, there were no facilities in forensic science. Now there are about 20, three of them under the federal government. All the bigger states have their own laboratories, and we have a good deal of sophisticated equipment in some of these laboratories, along with a well-trained scientific staff.

There is, of course, one difficulty, in that the police still take, except in the metropolitan towns, a good deal of time to reach the scene of a crime, and telephone and road communications are not so good. So for information to reach the police station and for the police officer to reach the scene of a crime, it takes time. And if in that time the scene of the crime has been interfered with, the chances of finding clues which could be submitted for scientific examination are minimized.

LEN: Do you see that as being due more to poor telephone systems generally, or is it something the police could do to improve matters?

GUPTA: There is nothing the police can do about it. One thing that is necessary is that people must not disturb the scene of the crime until the police arrive, and we can get over that only when the people are more educated and can understand the implications.

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## Part II: A plea for the reform of plea bargaining

Plea bargaining is a relatively quick and painless procedure. Typically, the negotiation process occurs between the defense counsel and the prosecuting attorney, but it cannot actually be set in motion without judicial encouragement. The defendant is typically a blind bystander in the whole negotiation process. With a sizable chunk of his lifespan hanging in the balance and with the goal of efficiency controlling the outcome, the defendant can only hope that he will somehow come out ahead. Jonathan D. Casper looked at the system of justice from the defendant's perspective. As a result of a series of extensive interviews, Casper concluded that a "fair" sentence meant two things to the accused.

"Something less than they might have gotten (and) the going rate for an offense. Neither of these has a great deal to do with notions of rehabilitation or individual treatment, with notions of what is just punishment for the offense which a man committed, taking into account such things as the nature of the offense, the amount of harm done, motive, alternative modes of treatment, past activity." (Casper 1972:89).

The system of plea bargaining is, in effect, a system of charades. It is not enough to just play a part in the ritual — it must be played flawlessly. The defendant is "directed" by his defense counsel prior to his "opening performance" before the judge. The accused is fully prepared, having his lines memorized and having been well coached as to how to act them out. All the participants in this outlandish ceremony are quite aware that the other is

lying, but the ritual nonetheless must be performed and the performance must be absolutely convincing. One almost wonders who the audience is; exactly who must be convinced? Perhaps it is those significant others — those who are victimized twice, once by the offender, and then again by the system of justice. Anne Strick accurately sums up the process.

"Once the accused cries 'Uncle!', the lawyer again switches hats. He now becomes a drama coach, directing his client in the enactment of penitent whose remorse merits the lesser charge. That compulsory rote by which the defendant swears that he is entering his plea 'freely, willingly, and voluntarily, without promise, commitment or coercion,' not only precludes any change of mind of appeal, it shields the court organization from charges of violation of that due process which has in truth been breached. The sellout is wrapped and delivered insured." (Strick 138).

It is no wonder that the credibility of the criminal justice system is moving close to becoming extinct.

Plea bargaining could not exist without those who feed it and foster its growth, namely the judge, the prosecutor and the defense counsel. However, it must be kept in mind that plea bargaining is the pace-maker of the system of justice; without it, the courts could never survive. In the same fashion, the three fundamental figures are the "parents" of the plea negotiation process, and without them, plea bargaining could never have made its debut. The key actors are as dependant upon plea bar-

gaining for their own survival as plea bargaining is on them for its survival. One may wonder — why?

Although a number of institutional, political, and even social pressures may influence trial judges to take part in the plea bargaining process, the primary reason for the participation of most judges is the need to process large caseloads with seriously inadequate resources. The courts have become the assembly line of justice whereby each calendar is required to package a given number of cases each day. A judge's worth, then, is measured by the number of cases that he can move, and it does not matter how he moves them. It soon evolves into an eventful contest among courtroom judges to determine who can dispose of the most cases in the shortest period of time.

Judges, donned in their robes of utmost superiority and sitting above the courtroom, naturally possess an inflated ego which manifests itself in a need to be popular. The shortest route to courtroom popularity lies in becoming a lenient, bargaining judge. The defense counsel thus has the added advantage of being able to shop for the judge who will deal his clients cards in the most favorable manner.

The ideal plea bargaining situation exists when the judge has remained an impartial and uninvolved bystander in the negotiation of the plea. However, the notion of an impartial and uninvolved judge in any real plea bargaining system is a myth which needs to be destroyed. In reality, a judge is a necessary party to any such negotiation because the final decision remains his. Without his participation in the bargaining process the agreement becomes nothing more than a hollow promise.

A basic interpretation of our system of moral laws says that any penalty for wrongdoing is to be decided after a determination of guilt. However, when a judge participates in plea bargaining before a decision to enter a plea is made, the situation is unavoidably reversed. Since the plea negotiation is conducted off the record and prior to trial, a finding or admission of guilt amounts to sentencing before determination. When a trial judge participates in plea negotiations, he is likely to prejudice the case and negate in his mind the presumption of innocence with which each criminal trial is supposed to begin. One possible remedy would be a requirement disqualifying a judge from trying any case in which he had earlier engaged in pre-trial bargaining.

Prosecutorial sentence recommendations are so universally followed that their effect is virtually indistinguishable from that of judicial promises of specific sentences. The prosecutor is interested in plea bargaining primarily because it is becoming more and more difficult for a system of justice based upon due process to compete with the ever increasing crime rate. It appears that, at least as far as the state is concerned, three separate but interrelated motives exist. First, the prosecutor may feel that the defendant is guilty but may realize that his evidence is weak or inadmissible, thereby making conviction at trial doubtful. Realizing that a guilty verdict might not be reached or sustained, the prosecutor might conceal his dilemma from the defendant and persuade him to plead guilty. Second, he may engage in bargaining to avoid the very real problems of overcrowded dockets and overworked staffs. Or, finally, the prosecutor may doubt the possibility of conviction in the face of the talent and skill of the defense counsel.

Plea bargaining might, in many instances, be used to place behind bars the criminal who would otherwise be free because of a procedural defect or insufficient evidence. It may also be used to incarcerate one who under the eyes of the law is innocent. The practice itself is not intrinsically evil, however, the real danger lies in overlooking these unethical procedures in the name of a more efficient system of justice.

At this point one might say that the plea bargaining process may be rationalized based on the notion that no innocent man would plead guilty to a crime which he did not commit. Thus, the defendant is merely trading favor for favor; he receives some form of reduced sentence for not insisting on his right to trial. In reality, many defendants who regularly relinquish their rights in order to plead guilty by negotiation are indeed innocent. It is not difficult to understand why an innocent man might plead guilty. A great many of these defendants are poor, illiterate or semilliterate individuals who have spent every day of their lives living on the fringes of the law. These defendants are dependent upon the alleged legal expertise of their defense counsel. Many of these defendants cannot afford the luxury bail provides and thus are forced to remain in pretrial detention facilities day after day awaiting their "speedy trial." Typically, plea negotiations are scheduled for the day before trial, and the defense counsel often offers, as an inducement to his client, that the time already served in the pretrial lockup will be credited toward the defendant's sentence. If the accused decides to plead guilty he can walk out a free man, but if he chooses to go to trial and exercise his constitutional rights, he will have to risk conviction and additional jail time. The defense attorney may also seek trial continuance until the defendant finally breaks and decides to plead guilty. Further, a paid defense counsel may resort to plea negotiations when the client has depleted his financial resources and can no longer furnish counsel with the up-front fee requirements.

In this light, the defense counsel becomes another adversary. The tactics are endless and the innocent are often its victims. John H. Langbein, a respected scholar and law professor at the University of Chicago, contends that plea bargaining in the U.S. bears a shocking resemblance to the medieval law of torture:

"In Europe from the 13th Century to the middle-18th Century, physical torture was a judicial technique to gather evidence. Ironically, the system grew from a high-minded ideal that failed — basing convictions on testimony of at least two unimpeachable witnesses to a crime. . . . But the rule of proof proved too stringent and the Europeans moved from acceptance of voluntary confessions to coercing confessions. Torture was used in cases where some 'half proof' was already possessed — the authorities perhaps had a suspect, dagger, and stolen loot but no eyewitnesses. The coerced confession was a substitute the Europeans knew was defective . . . so is plea bargaining. In America, there was a similar pressure for better safeguards. Americans sought to guard defendants' rights but, in doing so, came up with a system of jury trials 'so complicated and time consuming that they rendered it unworkable as a routine procedure.' Adversary procedures, exclusionary laws of evidence, motions intended to provoke issues for appeal amounted to a uniquely American 'lawyerization' of the trial system."

Continued on Page 16

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# Political motives inspired the bombers of the 1960's

Fourth of four parts.

By 1960 the evil art of bombing was practiced chiefly by berserk fanatics and political quacks, who, unlike their calculating predecessors of the previous three decades, murdered not for profit, but to

## ON CRIME

By JAY ROBERT NASH

forward political beliefs. What follows are some of the more outrageously inhuman of these bombings.

- 1960: In the fall of 1960, on Sundays and holidays, several bombs were planted around New York City. The Staten Island Ferry was almost wrecked in one of these explosions. The most lethal of the Bomber's targets was the bombing of a subway train at the 125th Street station. Eighteen persons were killed or injured. Not only was this lunatic never apprehended but his motives were also never defined.

- 1966: A black-boxed bomb was found on November 13, 1966 on board The Grand Integrity, a freighter five days out of Portland, Oregon. When the captain and his crew, all Chinese, brought the box to the main deck to inspect it the device blew up in their faces, killing Captain Ho Lien-siu and a motorman, and blinding the chief and second mate. U.S. Coast Guard inspectors could turn up no suspects or even reasons for the bomb.

On January 29 of the same year a group of Yugoslavian dissidents enraged at the regime of Communist dictator Tito bombed five Yugoslavian consulates in the United States and the embassy in Washington, D.C., in the first massive display of political bombing in America.

- 1967: Richard James Paris, who had twice deserted from the U.S. Army, married an unsuspecting young woman and honeymooned in the posh Orbit Inn in the heart of the Las Vegas casino district on January 7, 1967. Once in their room, as a present to his bride the deranged G.I. produced a neatly wrapped bundle containing fourteen sticks of dynamite. He aimed a .38 caliber automatic at the bundle and fired, blowing up himself, his wife, and five

other persons (also on their honeymoons), as well as destroying two floors of the hotel.

- 1968: From the spring through the fall of 1968, an anti-Castro organization of Cubans, called Poder Cubano, set off scores of bombs throughout the U.S., aiming them at businesses representing non-Communist countries trading with Castro.

- 1968: A customer, angry at being ejected from a Fort Worth, Texas bar called The Grave on May 6, 1968, returned a half-hour later and tosses a gasoline-fueled fire bomb into the establishment. Seven patrons were killed and a half-dozen more horribly burned. The bomber was never identified.

- 1968: A rash of KKK-inspired bombings in Alabama and Mississippi left Jewish temples and black churches and homes in ruins. After receiving a tip, Sheriff Roy Gunn of Meridian, Mississippi surrounded the home of a Jewish businessman on June 30 and caught Thomas Tarrant, of Mobile, Alabama, and Kathy Ainsworth, a one-time fifth-grade teacher, in the act of planting 22 sticks of dynamite. In attempting to escape, Ainsworth was killed and Tarrant was wounded and later sent to prison. The terrorist bombing ceased.

- 1968: Gambling czar Richard Chartrand of Lake Tahoe, Nevada, stepped from his home on August 27. Once inside his new Cadillac, Chartrand turned the key in the ignition. His car blew up with such force that it took hours for medical examiners to separate Chartrand's body from the wreckage.

- 1970: One of the most devastating of the many political bombings during the 1969-70 period was engineered by Karleton Armstrong, who blew up the mathematics building at the University of Wisconsin in Madison in an anti-military gesture. In the process he killed Robert Fassnacht, a 33-year-old physicist and father of three. After two years as a fugitive, Armstrong surrendered and pleaded guilty to second-degree murder. Daniel Ellsberg attempted to persuade the court to free Armstrong but the bomber received a 23 year prison sentence. He was released in 1979.

- 1970: David Rice, Duane Peak and Edwin Poindexter, members of an offshoot of the Black Panther Party, called on the citizens of Omaha, Nebraska to kill policemen on sight. When no one responded, the trio planted a bomb in a vacant house and then made an emergency call to police. Three officers responded, and the bomb was set off as they entered the empty building. Two were critically injured, and officer Larry Minard was blown to pieces. Rice received a life term, the others lesser sentences.

- 1976: Investigative reporter Don Bolles, who was looking into connections between businessmen and organized crime in Phoenix, Arizona, was blown up in his car on June 2, 1976. A national team of reporters from several newspapers helped to indict John Harvey Adamson and others for the killing.

- 1977: A Puerto Rican independence group planted bombs in New York City in the summer of this year. Two skyscrapers were selected. The bombs produced one death, seven injuries, and dubious achievement for the identified bombers. (Copyright 1979 by Jay Robert Nash. Released through the Crime Journal Syndicate, Suite 226, 2561 N. Clark Street, Chicago, Illinois 60614.)

## BURDEN'S BEAT

By ORDWAY P. BURDEN

# Tort Claims Act gives citizens too many bites at the apple

Recently the House Judiciary Subcommittee on Administrative Law and Governmental Relations held hearings on amendments to a bill pertaining directly to the police community, the Federal Tort Claims Act (H.R. 2659). This legislation would relieve Federal law enforcement officers of personal liability for constitutional torts, making the government the exclusive defendant in all tort suits involving government employees executing their official responsibilities. In the course of relieving the officer of personal liability, however, the legislation seeks to impose other burdens on the officer that do not strike a sufficiently fair balance between the rights of the citizen and the needs of the law enforcement community.

Among the groups represented at the hearing was the National Law Enforcement Council, an umbrella organization composed of members of the Association of Federal Investigators, the Law Enforcement Assistance Foundation, Americans for Effective Law Enforcement, the Society of Former Special Agents of the F.B.I., the Fraternal Order of Police, the International Union of Police Associations, the Federal Criminal Investigators Association, and the International Association of Chiefs of Police.

This writer addressed the subcommittee as a private citizen and as president of the Law Enforcement Assistance Foundation, and as chairman of the National Law Enforcement Council. Those who testified with me included: Sidney Butterfield, executive director of the Association of Federal Investigators; John J. Harrington, past national president of the Fraternal Order of Police; John S. McNerney, national president of the Federal Criminal Investigators Association, and Glen R. Murphy, an assistant director of the International Association of Chiefs of Police.

The bill under consideration would amend Title 28 of the United States Code. It provides a procedure for a person injured by a constitutional tort to initiate and participate in an administrative disciplinary inquiry against the government employee.

It is my personal belief that this bill goes too far in providing a plaintiff with a right to take the case against the law enforcement officer to the Federal courts. There must be a mechanism for weeding out meritless claims, lest the officer be dragged into long court battles in frivolous cases. It is a fact of life in our country that while officers do sometimes overstep their bounds, they are perceived to overstep their bounds far more frequently than they in fact do. Americans can become indignant over the most proper actions of an officer, such as stopping a motorist and asking to see his or her license, or otherwise questioning a citizen about a possible violation of the law. With this attitude prevailing, there is a great tendency for people to initiate meritless suits against officers.

The language of the bill as it now stands would make it too easy for a private citizen to bring a lawsuit against a law enforcement officer, and to win such a lawsuit, since it would eliminate, as a possible defense, a demonstration by the officer that he acted in good faith. This good faith defense is critical, since the officer is not usually a lawyer, and certainly is not a judge. In a time when lawyers and even judges have not been able to draw clear distinctions between proper and improper police conduct, the new law places even greater pressure on the officer to have to make this impossible distinction in the heat of duty.

The proposed amendments to the Tort Claims Act also require that the Attorney General pursue an administrative complaint lodged by a citizen, even if a determination has been made by the officer's superior that no violation took place and thus no further administrative proceedings are warranted. This gives the citizen too many bites at the apple and exposes the officer to the possibility of discipline somewhere down the line as the complainant pursues one administrative remedy after another, after which litigation in court becomes available to the citizen.

This means that even if the administrative head of a law enforcement department investigates a charge against one of his subordinates and finds it completely unfounded the citizen may still take his case to the Federal courts, all the way to the U.S. Court of Appeals. This provision of the bill could entangle the officer in litigation for years, even though he has been found guiltless by his agency or department.

Although the officer is entitled to legal counsel at government expenses at the outset of the investigation, there is no provision for counsel if, after the charges are disposed of by the administrative head, the plaintiff still elects to take his case to Federal court.

This writer would suggest that H.R. 2659 be amended to provide for the retention of the good faith defense, and that the appeals procedure be limited so that the disciplinary action taken by the law enforcement officer's agency or department can be final. If the latter is not possible, the then free legal counsel should be provided to the officer throughout litigation.

(Mr. Burden welcomes correspondence to his office at 651 Colonial Blvd., Washington Twp., N.J. 07675.)

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# Another look at the American plea bargaining system

Continued from Page 14

Trials become increasingly long, resulting in a pressure to coerce an accused, against whom we find probable cause, to confess guilt. 'To be sure our means are much politier... but we do make it costly for an accused to claim his right to trial by threatening him with increased sanctions' (Warren 1978: 23)

The pressures which the defense counsel places on his client often cause the defendant to plead when he would not otherwise have done so. The adversary proceeding has developed into a contest between the prosecutor and the defense counsel rather than one between the defendant himself and the prosecutor as the people's representative. The defendant becomes a mere pawn in the game, and the defense counsel is relied upon by the court to be the equalizer in the bargaining process. He is seen as relieving the defendant of the pressures of plea bargaining and negotiating on his behalf. However, defense attorneys may also be concerned with the same objectives as the prosecutors — saving time, labor and expense and avoiding trial. There are those who have advanced the theory that criminal attorneys are part of the criminal justice bureaucracy, having their clients plead guilty because this is the quickest way to dispose of the case and collect a fee. The attorney's major concern may not always be the client, but rather maintaining his appearance as advocate in an adversary setting. The defense attorney must realize that he plays the single most important role in the plea bargaining process. Most defendants plead guilty because their attorneys tell them to plead. Therefore the defense attorney, as the defendant's agent in this compromise, can assure the defendant that his rights will in fact be safeguarded. If the attorney becomes skilled in assessing the strength of the prosecutor's case before advising a client to plead guilty, and recognizes and accepts his role as an agent of the defendant in this process of compromise, the plea bargaining procedure and the whole guilty plea process will be substantially more equitable. To be able to effectively aid his client, the attorney must realize that he is the link between a system and an accused party who are both striving to terminate the process with a minimum of damage.

As with any process which can affect the destiny of another individual, plea negotiation is subject to misuse and exploitation. One form of misuse which has be-

come inherent in plea bargaining is a tactic employed by the prosecuting attorney: overcharging. The National Advisory Commission on Criminal Justice Standards and Goals defines overcharging as

"...the filing of an excessive number of charges by the prosecutor against a single defendant in order to improve the bargaining power of the prosecutor in anticipation of a negotiated disposition. Overcharging may be vertical, i.e., charging an offense more serious than the circumstances of the case seem to warrant; or horizontal, i.e., charging an unreasonable number of offenses based upon the same or closely related conduct." (Courts 1973: 57)

In this way, the prosecutor is able to rationalize that the defendant scarcely gained by the bargain after all. The prosecutor charges up in order to bargain down, thus believing the defendant's position has remained relatively the same. However, this has been shown not to be the case at all: the system profits in much the same way as the defendant.

As previously implied, the process of plea bargaining does not take into consideration the merits of the individual himself, nor specific modes of correctional re-

forms which may be tailored to meet the particular defendant's needs. There is one school of thought which suggests that the defendant who admits his guilt deserves a more lenient sentence, inasmuch as an admission of guilt is the first step toward rehabilitation, and acknowledgment of error is essential to the eventual avoidance of antisocial conduct. In this view, therefore, the man who negotiates deserves a lesser punishment because he has taken the first step toward acknowledging the legitimacy of the law, changing himself, and becoming rehabilitated.

Such reasoning is almost ludicrous. A defendant who pleads guilty in a negotiation is no more on the road to rehabilitation than the process of plea bargaining is on the path to reformation. Neither the defendant or the negotiators have rehabilitative goals in mind; both are merely seeking a reduction in time. Jonathan D. Casper comments:

"[Negotiation] becomes directed to the issue of 'how many years is a plea worth' rather than to any meaningful sentencing goals; factual information relating to the individual characteristics and needs of the particular defendant are often never developed; and a sense of purposelessness and lack of control pervades the entire process;... it often gives the defendant an image of corruption in the system, or at least an image of a system lacking meaningful purpose and subject to manipulation by those who are wise to the right tricks. Cynicism rather than respect, is the likely result." (Casper, 95-6).

Others have suggested that it is the recidivist who is receiving the greatest benefits of plea bargaining because he is better able to use his past experience to obtain a lighter sentence. For the experienced criminal this can often foster disrespect for the effectiveness of the law. A principal purpose for long sentences in felony cases is to deter persons from committing felonies. But when the indoctrinated criminal knows that he will be permitted to plead to a lesser charge and perhaps get a few

months in the county jail, he may well conclude that the commission of the crime was worth his while. Even though some may argue that a criminal is rarely deterred by the possible consequences of his actions, the incongruity of an experienced offender receiving a lighter sentence than the one or two-time loser still remains.

The accused is readily encouraged by the negotiation process to feel that his offense was well worth his efforts, as Lloyd L. Weinreb notes:

"Even if we were able somehow to accept punishing a defendant more severely because he insisted that we prove that he deserved to be punished at all, our normal reliance on a bargain for the critical determination of guilt undermines fundamentally the notion of criminal justice. The negotiated exchange of benefits has nothing to do with the claim that punishment is deserved. If the punishment imposed is usually a 'normal price' for the crime and defendant's benefit from his bargain is less than he hoped, nevertheless he is institutionally encouraged to believe that he is trading some of his freedom in order not to be deprived of more. If his freedom is so readily negotiated, with so little concern

Plea negotiations have become a widespread and effective practice. The most important national legal and juridical bodies, including the United States Supreme Court and the American Bar Association, have endorsed plea bargaining as part of the normal criminal process. The most widely given rationale for the practice of negotiating guilty pleas have been the collapse of the system without it. As has been said before by others, plea bargaining is inescapable and the efforts of those in the system should be directed not toward its elimination but toward implementing the reforms necessary to provide the ideal combination of maximum individual protection and practicality of the system. The negotiation of pleas should become accepted and officially recognized as a permanent and needed feature of the system of justice. Procedural guidelines need to be developed and set in motion. As such, this will be the ultimate safeguard in both the defendant's interests and society's interests. An unknown author writing in the University of Richmond Law Review composed a summation that appropriately capsulizes the main question presented by this thorny issue.

**'A defendant who pleads guilty in a negotiation is no more on the road to rehabilitation than plea bargaining is on the path to reformation.'**

"Plea bargaining as it is practiced today satisfies neither the accused nor the public. The defendant feels coerced to relinquish his constitutional protections and is disillusioned by unequal treatment. The public distrusts all compromise in light of their potential political motivations, being unable to determine why or how they were brought about. It has been demonstrated that plea bargaining is necessary, but its continuation should be predicated upon substantial reformation. Once the abuses and inequities have been eliminated, the practice will become an effective tool not only in the disposition of cases but also in the achievement of justice." (Univ. of Richmond 1972: 335).

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# NYC police merger is not without controversy

Continued from Page 1

power is depleted to the point where it is critical."

McKechnie's views were echoed by Jack M. Jordan, the head of the housing officers' association, who predicted that the new set-up "won't work." Noting that the NYCPD had "different priorities" than the other two forces, Jordan warned that he and his colleagues would wind up "guarding the banks" and the city's "poor people and minorities will pay" with a loss of adequate police protection.

The Housing Authority, formed in 1934 to operate the city's public housing complexes, was authorized to set-up its own police force 18 years later. Financed by 60 percent city and 40 percent Federal funds, the police department currently works to protect approximately 750,000 tenants in 254 housing projects.

Some form of transit police force has existed in New York since 1936, when the city took over three bankrupt private subway systems. The force was initially supervised by the NYCPD until 1953, when it was re-established as an independent agency.

While the city currently pumps about \$100 million a year into the operation of

the transit police, the force's manpower level remains almost 800 men short of 1975 levels.

Due to the staffing shortage and the rising subway crime rate, Chief Garelik for the last six months has had an extra complement of 144 regular city police officers at his disposal. The officers patrol the subways in an \$8.6 million program, but they are supervised by their regular NYCPD commanders.

Garelik, a former chief inspector with the NYCPD, explained the command discrepancy, noting that the officers had to work under the direction of their own supervisors because their radios operated on different frequencies from the transit police radios.

Despite the apparent inefficiency of the effort, Mayor Koch said the extra funds for bolstering subway patrols would be continued. Expressing his dissatisfaction with the program, Koch noted that for the first 22 weeks crime went down "but not enough" and then in the last two weeks of August it went up again "too much."

After firing Garelik, the Mayor also ousted the force's second in command, Deputy Chief Anthony V. Bouza. Another

NYCPD veteran, Bouza joined the transit operation in 1976 after having served as the police department's borough commander in the Bronx.

The flow of top executives from the city police department to the transit and housing forces belies the tradition of difference and hostility that has been known to exist among the three agencies. Although the three departments maintain similar employment qualifications, issue almost identical blue uniforms, and pay similar salaries to their personnel, each agency has formulated separate entrance examinations and has operated a different training system and police academy.

In the field, the three departments have rarely worked together in a coordinated manner. A number of officers and executives in the NYCPD are said to regard their jobs as more prestigious than those held by their counterparts in the transit and housing forces. In the recent past, some city officials have expressed fears

that racial problems would arise if a total merger between the NYCPD and the other forces came about. The police department is over 90 percent white, compared to a 62 percent black and Hispanic contingent in the housing force and a 30 percent minority complement in the transit unit.

But internal studies conducted for the city have shown that improved patrol strategies could be developed if the three departments were unified and centrally coordinated. The reports also indicated that the city could save millions by merging police to eliminate duplication of services, equipment and bureaucratic overhead.

An unnamed transit police source told the *Times* that many high-ranking officials in his department expressed reservations about the benefits resulting from total consolidation. He said that transit officers required special training for "unique" subway crime conditions and that the NYCPD might be unable or unwilling to give extra consideration to underground offenses.

## Supreme Court Briefs

Continued from Page 5

the "interest of the press and the public was outweighed in this case by the defendants' right to a fair trial."

Following the closure order by the trial judge the publisher entered a proceeding on First, Sixth, and Fourteenth Amendment grounds in the Appellate Division of the New York State Supreme Court. The Appellate Division vacated the trial court orders and stated that the press was entitled to view the pretrial hearing transcript.

The state's highest court, the Court of Appeals, reversed the Appellate Division ruling, based on the reasoning originally set forth by the trial judge.

Now, affirming the decision of the New York Court of Appeals, the United States Supreme Court has noted that the Sixth Amendment guarantee of a public trial is for the benefit of the defendant alone. Nowhere in the Constitution, they stated, is there any mention of the public's right of access to a trial.

Justice Stewart's opinion also highlights the notion that "the danger of publicity concerning pretrial suppression hearings is particularly acute, 'because it is hard to determine what effect the publicity will have later on the fairness of the trial itself.' (Gannett Co., Inc. v. DePasquale, No. 77-1301, decision announced July 2, 1979.)

## Indiana photography program clicks with the average trooper

Continued from Page 9

devoted to photographic technique. "They receive a nine-hour block of instruction in the actual use of photography," the captain said. "That includes not only the operational use of the camera — f-stops and things like that — but also how to take pictures properly to avoid the sensational — to take a factual type of photograph."

The program utilizes a group of 20 laboratory field technicians who are stationed in the state's police districts to bolster the recruits' training with an additional 18-hours of hands-on instruction. "Past that point, it's simply on-the-job training and corrections," Mertens remarked. "If we see something is going awry, we correct it."

But the captain indicated that the field technicians have the situation well in hand and that the program is clicking along smoothly. "Usually, after three days of instruction with a 35mm, a guy ought to be able to take good accident photographs," he noted. "If he can't, he probably shouldn't be there in the first place."

According to Mertens, several other state law enforcement agencies have equipped all of their patrol personnel with cameras, but the Indiana program is "probably one of the superior ones in the nation." "The cameras distributed routinely statewide in other states have been of lesser [quality]," he explained, "more like an Instamatic-type camera without the capabilities these have."

The captain believes "there's no question about" the growing role photography will play in the future of policing. "It's an investigative tool that has a very high priority as far as our investigative techniques go," he said. "We use it as an investigative tool that is non-destructive — one which records information in a superior fashion to memory or to the written work in many cases."

"Although it is subject to variation," Mertens added, "we try to minimize that variation through our training programs and produce an end product that will stand up to a test in court without any problem."

"When I see the 'Ten Most Wanted Lists,' I always have this thought: If we'd made them feel wanted earlier, they wouldn't be wanted now."

—Eddie Cantor



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## NOBLE elects new board; Hogan heads Mass. prisons; Sabella promoted

The National Organization of Black Law Enforcement Executives (NOBLE) recently elected a new executive board. Gilbert Branche, the chief of county detectives in Philadelphia is the group's new president, replacing Hubert Williams, the director of public safety for Newark, New Jersey, who had a major hand in founding the association.

Deputy commissioner Bishop Robinson of the Baltimore Police Department was elected NOBLE's national vice president, and Washington, D.C. police chief Burtell Jefferson was selected as the group's treasurer.

The remainder of the new executive board consists of recording secretary Glavin Alveranga, of the New York City Health and Hospitals Corporation; financial secretary Sylvester H. Winston, a major with the Kansas City, Missouri Police Department; sergeant at arms William R. Bracey, the chief of patrol of the New York City Police Department, and parliamentarian Reginald Turner, a deputy chief with the Detroit Police Department.

William T. Hogan resigned as chairman of Massachusetts' parole board earlier this month to become commissioner of the state's correctional system. Hogan, 51, is a graduate of Boston College and a former chief probation officer at the U.S. District Court in Boston. Commenting on his new post, the commissioner said he would "run a safe, secure, humane and balanced correctional system for the people of Massachusetts."

The Chicago Police Department continued to reshape the face of its executive ranks last month. Commander Louis

Sabella, a 27-year veteran of the force, was named commander of the Intelligence Division, replacing William Duggan who is taking a leave of absence. Lieutenant Francis O'Malley was assigned to take Sabella's former post as head of the Auto Theft Section. O'Malley, who joined the force in 1948, had been commander of an area auto theft unit. Acting Superintendent Joseph DiLeonardi said that the changes were part of his effort to "assemble a compatible team" to police the city.

The Criminal Justice Center of Sam Houston State University has a new coordinator of continuing education. Marcus E. Kenter Jr. assumed the post last month following the resignation of Jolin A. Cocoros, who is now serving with Dallas' juvenile court system. The holder of an MA degree from Sam Houston State, Kenter worked for the Texas Education Agency, the Texas Department of Corrections and the Texas Rehabilitation Commission before joining the Criminal Justice Center.

### BE RECOGNIZED!

You don't have to blow your own horn. Let LEN's "People & places" column do your tooting for you. Keep your colleagues informed of what you've been up to. Send contributions to: People & places, Room 2104, 444 West 56th Street, New York, New York 10019.

## New products for law enforcement

Items about new or modified products are based on news releases and/or other information received from the manufacturer or distributor. Nothing contained herein should be understood to imply the endorsement of Law Enforcement News.

**SWITCH MATS** — United Security Products has introduced an improved line of switch mats that are suitable for burglar alarm applications.

Designed for placement under rugs, carpeting or linoleum, the Pressuremats feature super-thin construction with high strength switch conductors that are engineered to withstand millions of actuations.

Constructed of ribbon switches encapsulated in clear vinyl, Pressuremats are 30" wide and are sold in 5-, 10-, and 25-foot lengths which can be custom cut for individual applications. The new mats are designated as Form "B" and can be converted to closed circuit operation with an optional converter.

For complete information, write: United Security Products, Inc., 2171 Research Drive, Livermore, CA 94550.

**HOMICIDE FILM** — "Murder One" attempts to analyze the psychological aspects of homicide, raising such questions as: Who are the murderers? Why do they kill? Are they different than us? Are they different than each other? Is there a common thread in their backgrounds?

The 46-minute movie delves into the lives of six convicted murderers, presenting them on the screen in what the producers describe as an "eyeball-to-eyeball" milieu. The people and events unfold in a series of death row dialogue, newsreel footage, newspaper clips, and interviews with the families of the victims and the killers themselves.

Co-produced by New York City's public television station, Georgia Educational TV, and the University of North Carolina TV

Network, the film is being offered in a 16mm color/sound format.

To obtain purchase or rental information, write or call: Best Films, P.O. Box 725, Del Mar, CA 92014.

**FUND-RAISING GUIDE** — Police who are involved in soliciting funds for various organizations that rely on public contributions for support may find some valuable tips in a new publication from the Remington Arms Company, entitled "How to Raise Funds Through Shooting Games."

The booklet offers a number of specific details on working with civic groups, school organizations, churches and other charitable groups to organize competitive shooting events.

The basis for the program is the old-fashioned turkey shoot, a traditional social event that originated during our nation's colonial period. The guide also describes a wide variety of other shooting games of skill and chance that can be used in conjunction with turkey shoots or in place of them.

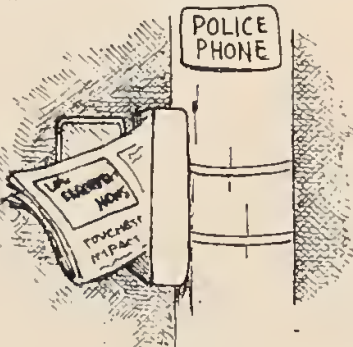
According to the publication, fund-raising shoots start out with a large potential base of participants because there are an estimated 24 million hunters and sport shooters in the United States.

The booklet covers all possible aspects of conducting such an event, including organization, types of games, safety, equipment and how to obtain it, legal considerations, judging entries, publicity, and basic economics.

Copies of the booklet can be obtained by sending \$1.95 to: Remington Arms Company, Inc., Fund Booklet, Bridgeport, CT 06602.

## Cops are people too

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Return to: Law Enforcement News, 444 West 56th Street, New York, New York 10019.

## Nader-backed citizens group rates relative violence of TV shows

Continued from Page 3  
analysis of the figures stated. "Of the 12 most violent movies, 7 belonged to ABC. Of the top 12 violent shows, 7 belonged to NBC.

Despite the drop in overall violence, NCCB noted that those programs which do contain violence have more separate violent incidents in them than similar shows did in 1977. The survey found that there has been a 13 percent increase in the number of violent incidents on network TV this year.

The NCCB campaign encourages the public to complain to companies that sponsor high-violence shows, and apparently the effort is having some effect.

"Advertiser huying behavior has changed," the spokesman observed. "With the exception of Miller Products, which was on the most violent list in 1977, the 10 most violent advertisers in 1977 have all disappeared from the top spots."

Chrysler, Hi-C Fruit Drinks, Budweiser Beer, and Duracell Batteries headed the list of "most violent sponsors" in the 1979 survey, while Nikon Cameras, Alberto Culver Products, Perrier Mineral Water, and Timex Watches were found to be the "least violent sponsors," each achieving a violence rating of zero.

Nicholas Johnson, who directs the broadcast monitoring group in connection with Ralph Nader, characterized the de-

cline in TV violence since 1976 as "a rare victory for citizen action."

"When NCCB released its program and advertiser rankings to the public in 1976, people finally had the information they needed to express their concerns about violence to networks and sponsors. And they did," the spokesman said. "PTA groups, churches, civic clubs, schools, and individuals wrote letters by the thousands. This action was effective."

## D.C. force split over reinstatement

Continued from Page 3  
mean, we're being made to look like idiots."

However, the head of the local association of black police officers had a different view of the affair. Issuing a statement in support of Jefferson, he charged that the controversy had been created by the white leadership of the police union, and he called on black officers to resign from the group.

Jefferson did not receive as strong a backing in the matter from Mayor Marion Barry. "On this issue, the chief has his way," Barry noted. "I was not saying let's do it, let's not do it. There are a lot of things in this government I'm not happy with."



# Current job openings in the criminal justice system

**Chief of Police** The Mecklenburg County North Carolina Police Department is seeking a chief of police for its 112 sworn officers and 5 civilian personnel who serve a county population of 400,000.

Applicants should have a two-year degree in law enforcement or in a related field, as well as ten years of recent experience in a law enforcement agency, five of which must have been in a command position with the rank of captain or above.

Salary range is \$28,500 to \$34,600 based on training and experience.

Submit a resume before September 30, 1979 to Recruitment Supervisor, Mecklenburg County Personnel Department, 720 East 4th Street, Charlotte, NC 28202

**Police Officers.** The Cheyenne, Wyoming Police Department is administering an entrance examination on October 6 to fill 11 vacant patrol positions on its force of 77 sworn and 25 civilian personnel.

Applicants must be citizens of the United States and be willing to reside within five miles of the Cheyenne city limits of selected for employment. Recruits should not be less than 21 or more than 35 years of age at the time of the examination, which will consist of a written test, an oral board, strength and agility tests, a polygraph exam, a background investigation, and a physical exam. Failure in any portion of the examination will result in disqualifi-

cation.

Salary starts at \$1,000 per month and ranges to a maximum of \$1,242 after six years of service. The city provides extra pay for longevity and to officers who earn college degrees. Overtime is paid, as is full health insurance for officers and their dependents. An officer may retire at half pay after 20 years of service or at two-thirds pay after 25 years.

To obtain an application for the examination, send a resume to: Cheyenne Police Department, 1915 Pioneer Avenue, Cheyenne, WY 82001. Applications must be returned by October 1, 1979. Applicants from outside Cheyenne should make arrangements to be in the city from October 6 to October 11.

**Associate Professor.** Michigan State University's School of Criminal Justice has a tenure track vacancy for an associate professor of security administration.

The position requires a Ph.D. and significant experience in both private and public security. Applicants should have a background that indicates potential for research and publication. Some teaching experience is desirable.

Appointment for this equal employment opportunity position can be made as early as January 1980.

Submit an updated vita, educational record, three letters of reference, and copies of recent publications or

other written work by September 30, 1979 to Dr. George Felkenes, Director, School of Criminal Justice, Michigan State University, East Lansing, MI 48824.

## University of Houston at Clear Lake City Criminal Justice Administration

Tenure track position beginning January 1, 1980 or September 1, 1980. Candidates must possess a Ph.D., or show evidence of early completion of dissertation, in Criminal Justice Administration or a related discipline with substantive interest in criminal justice administration. Candidates should have experience in research or consulting activities, grant development, and teaching experience in research methodologies, program evaluation and crime related courses. Rank & Salary are negotiable dependent upon qualifications. Interested applicants should send resume, transcripts & three letters of recommendation to: Director, Programs in Public Affairs, University of Houston at Clear Lake City, Houston, Tx 77058.

Equal Opportunity Affirmative Action

## DALLAS CHIEF OF POLICE SELECTED THROUGH USE OF ASSESSMENT CENTER

On April 23 through 25 an Assessment Center was conducted by the Selection Consulting Center of Sacramento, California for the selection of a police chief for the City of Dallas, Texas. Twelve candidates participated in this Assessment Center and a police chief was successfully selected. The Selection Consulting Center has many services available, such as:

### Tests for Law Enforcement Officers

New validated law enforcement tests available:

- Entry-Level
- Sergeant
- Lieutenant
- Captain

Users manual available for \$5.00.

### Consulting Services

The SCC provides effective consulting services in the following areas:

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- Interview Development
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- How to Develop an Assessment Center
- Types of Exercises
- How to Make Behavioral Observations
- Assessment Center Scheduling
- Validity and EEO Implications
- Developing a Civil Service Eligibility List
- How to Conduct an Assessment Center
- How to Train Assessors
- How to Evaluate Results

For more information, send for the workshop brochure at the address given below.

### Assessment Centers for Selecting Personnel

- Police Chiefs
- Commanders
- Lieutenants
- Sergeants

The Assessment Center, when implemented properly, is a job-related, objectively oriented means of providing administrators with more comprehensive and job-related data than ordinarily would be gathered from personal interviews, supervisory evaluations, written tests, and educational background checks.

The SCC has the full capabilities to develop and conduct job-related Assessment Centers.

### Film — For Training Assessment Center Assessors

The SCC has developed a film entitled, "Assessor Training — Learning to Observe Behavior," on how to observe and record behavior observations. This is usually the most difficult concept for assessors to grasp during assessor training.

The Film: Describes what behavior is, what type of behaviors are important to observe and how to record behaviors. In the film, a group of individuals participate in a leaderless group discussion. Assessor trainees observe the group and practice taking behavior observation notes. Assessor observation forms are also provided.

Film Length: 45 minutes  
Instructor Manual Included  
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### Publications Available

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For more information concerning the above, contact:

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# Upcoming Events

October 14-18, 1979. The 42nd Annual Meeting of the American Society for Information Science. To be held in Minneapolis. For more details, contact: American Society for Information Science, 1010 Nineteenth St., N.W., Washington, DC 20036. Telephone: (202) 659-3644.

October 15-19, 1979. Crowd and Spectator Violence Seminar. To be held in Atlanta by the International Association of Chiefs of Police. For additional information, contact: IACP, 11 Firstfield Road, Bethesda, MD 20760.

October 15-19, 1979. Traffic Services Program. To be held in Waynesboro, Virginia by the Transportation Training Center, Virginia Commonwealth University. Fee: \$200. For more details, contact: Transportation Safety Training Center, Virginia Commonwealth University, 806 W. Franklin St. Richmond, VA 23284. Telephone: (804) 257-1050.

October 17-18, 1979. Seminar: Managerial Performance Appraisal for Police and Management-Level Personnel. Presented by the Criminal Justice Center of John Jay College. To be held in New York City. Fee: \$100. For more details, write or call: Ms. Barbara Natow, John Jay College, Criminal Justice Center, Rm. 2201 South, 444 W. 56th Street, New York, NY 10019. Telephone: (212) 247-1600.

October 17-19, 1979. Crisis Management for Law Enforcement Officers. Presented by Theorem Institute. Fee: \$225. For further information, contact: Theorem Institute, 1782 Technology Drive, San Jose, CA 95510. Telephone: (408) 294-1427.

October 18-19, 1979. Communication for Law Enforcement Officers. Sponsored by the Law Enforcement Institute. Fee: \$90. For further information, contact: Jim Ziegler, Program Assistant, Law Enforcement Institute Training Programs, University of Maryland, University College, Conferences and Institutes Division, College Park, MD 20742. Telephone: (301) 454-5237.

October 22-24, 1979. Safe Schools Conference. To be held at Bahia Mar Hotel and Yachting Center in Ft. Lauderdale, Florida. For more details, contact: Institute for Safe Schools, 506 Cumberland Building, 800 East Broward Boulevard Ft. Lauderdale, FL 33301. Telephone: (305) 463-1776.

October 22-26, 1979. 41st National Robbery/Homicide Conference. Presented by the International Association of Chiefs of Police. To be held in San Diego. For further information, see: October 15-19.

October 22-26, 1979. Law Enforcement Photography Workshop. Presented by the Eastman Kodak Company. To be held in Rochester, New York. For more details, contact: Law Enforcement and Security Markets, Eastman Kodak Company, Dept., 0617-A, 343 State Street, Rochester, NY 14650.

October 22 - November 2, 1979. Managing the Selective Traffic Enforcement Program. Presented by Traffic Institute at Northwestern University. Fee: \$475. For more details, contact: Registrar, The Traffic Institute, Northwestern University, 555 Clark Street, Evanston, IL 60204.

October 22 - November 9, 1979. Program for Management Command and Supervisory Personnel. Presented by the New England Institute of Law Enforcement

Management, at Babson College in Wellesley, Massachusetts. Fee: \$725. For further information, call or write: John T. Howland, Director, P.O. Drawer E, Babson Park, MA 02157.

October 23-25, 1979. Victim/Witness Assistance Program. Presented by Harper & Row Media in Miami, Florida. For more details, contact: Harper & Row Media, 10 E. 53rd Street, New York, NY 10022.

October 24-26, 1979. Effect of Stress on Law Enforcement Officers and Their Spouses. Sponsored by the Law Enforcement Institute. Fee: \$140. For more details, consult: October 18-19.

October 29-31, 1979. Workshop on Police Civil Liability and the Defense of Citizen Misconduct Complaints. Presented by Americans for Effective Law Enforcement, Inc. To be held in Chicago. For further information, contact: Americans for Effective Law Enforcement, Inc. 501 Grandview Drive, Suite 207, So. San Francisco, CA 94080.

October 29-31, 1979. National Corrections Conference. To be held in Columbus, Ohio by the Ohio Council of Higher Education in Criminal Justice. Fee \$150. For more details, contact: Istvan Domonkos, Jefferson College, 4000 Sunset Blvd., Steubenville, OH 43952. Telephone: (614) 264-5591.

October 29-November 2, 1979. Check and Forgery Investigation Course. Presented by Florida Institute for Law Enforcement. Fee: \$125. For more details, contact: Florida Institute for Law Enforcement, St. Petersburg Junior College, P.O. Box 13489, St. Petersburg, FL 33733. Telephone: (813) 546-0011.

October 29-November 2, 1979. Tactical Alarm Systems Course. Presented by the National Intelligence Academy. Fee: \$400. For more details, consult: Director, National Intelligence Academy, 1300 NW 62nd Street, Ft. Lauderdale FL 33309.

October 30-November 1, 1979. Negotiations with Labor for Chiefs. Presented by Harper & Row Media in Miami, Florida. For more details see: October 23-25.

October 30-November 1, 1979. Rape Investigation Course. Presented by the Center for Criminal Justice, Case Western Reserve University. Tuition: \$125. For more information, contact: Center for Criminal Justice, Case Western Reserve University, Cleveland, OH 44106.

November 5-9, 1979. Homicide and Major Crime Scene Investigation Seminar Presented by the Traffic Institute. Fee: \$325. For further information, consult: October 22-November 2.

November 5-9, 1979. Assets Protection Course. To be held at the Pick Congress Hotel in Chicago by the American Society for Industrial Security. For further information, contact: ASIS Membership and Meetings Services Department, 2000 K Street N.W., Suite 651, Washington DC 20006. Telephone: (202) 331-7887.

November 5-16, 1979. Investigation of Sex Crimes Seminar. Presented by the Southern Police Institute. For further information, write or call: Ms. Gayle Brown, Admissions Office, Southern Police Institute, School of Justice Administration, University of Louisville, Louisville, KY 40208. Telephone: (502) 588-6561.

November 6-8, 1979. Major Case Investigation Seminar. Presented by Harper & Row Media. For further information, consult: October 23-25.

November 8-9, 1979. National Conference on Organized Crime. Sponsored by the University of Southern California. For more details, write or call: University of Southern California, Stonier Hall 308, University Park, Los Angeles, CA 90007. Telephone: (213) 741-2215.

November 8-9, 1979. Police Internal Affairs Program. To be held at the Marriott Inn in Cincinnati, Ohio. Sponsored by the Criminal Justice Program at the University of Cincinnati. Fee: \$175. For more information and registration, write: "Police Internal Affairs," Division of Continuing Education, No. 146 University of Cincinnati, Cincinnati, OH 45221.

November 9-10, 1979. Third National Conference on Medical Care and Health Services in Correctional Institutions. To be held in Chicago, at the Radisson Hotel, by the American Medical Association, in cooperation with the American Correctional Health Services Association. For further information, contact: American Medical Association, 535 North Dearborn Street, Chicago, IL 60610.

November 12-13, 1979. Symposium on Identification of Human Remains. Sponsored by the J. C. Stone Memorial Police Academy. To be held in Orlando, Florida. Tuition: \$35. For further information, contact: Officer Linda Kennedy, Training Section, P.O. Box 913, Orlando, FL 32802. Telephone: (305) 849-2456.

November 12-15, 1979. Police Decision Making and Leadership Development Workshop. Presented by the Traffic Institute. Fee: \$275. For further information, see: October 22-November 2, 1979.

November 12-16, 1979. Law Enforcement Photography Workshop. Presented by the Eastman Kodak Company. To be held in Atlanta. For more details, see: October 22-26.

November 12-16, 1979. Basic Fingerprinting Course. Presented by the Center for Criminal Justice, Case Western Reserve University. Tuition: \$125. For further information, see: October 30-November 1.

November 12-16, 1979. Annual Crime

Prevention Conference. Presented by the National Crime Prevention Institute. For further information, contact: National Crime Prevention Institute, Shelby Campus, Louisville, KY 40222. Telephone: (502) 588-6987.

November 13, 1979. Security Supervision Course. Presented by the Indiana University Center for Public Safety Training. To be held in Indianapolis. Tuition: \$25.00. For more details, contact: Indiana University, Center For Public Safety Training, Harrison Building, Suite 500, 143 West Market Street, Indianapolis, IN 46204. Telephone: (317) 264-8085.

November 13-14, 1979. Accident Investigation Field Sketching Program. Presented by the Transportation Safety Training Center at Virginia Commonwealth University. To be held in Abingdon, Virginia. Fee: \$75. For further information, consult: October 15-19.

November 13-15, 1979. Handling Hazardous Materials and Transportation Emergencies. Presented by the National Fire Protection Association. For further information, write: National Fire Protection Association, 470 Atlantic Avenue, Boxton MA 02210.

November 26-29, 1979. Crowds, Disorders, and Demonstrations Workshop. To be held in New Orleans by Richard W. Kobetz and Associates. Tuition: \$300. For further information, write or call: Richard W. Kobetz and Associates, North Mountain Pines, Route Two, Box 342, Winchester, VA 22601. Telephone: (703) 662-7288.

November 26-30, 1979. Loss Reduction Retail Businesses. Program presented by the National Crime Prevention Institute. For more details, consult: November 12-16.

November 28-30, 1979. Evaluation Workshop. To be held in Atlanta by the Theorem Institute. Fee: \$255. For further information, consult: October 17-19.

November 29-30, 1979. Computer Security Conference. Presented by the American Society for Industrial Security. To be at the Sheraton National Hotel in Arlington, Virginia. For more details, consult: November 5-9.

November 30, 1979. Law Enforcement Supervisors Seminar. Presented by the Law Enforcement Institute at the University of Maryland. Fee: \$45. For further information, see: October 18-19.

December 3-4, 1979. Workers Compensation Workshop. Presented by the Theorem Institute. To be held in St. Petersburg, Florida. Fee: \$235. For further information, consult: October 17-19.

December 3-7, 1979. New Developments in Police Planning by Calculator, micro-computer and computer. Presented by The Institute for Public Program Analysis. To be held in St. Louis. For further information, contact: The Institute for Public Program Analysis, 230 S. Bemiston, Suite 914, St. Louis, Mo. 63105. Telephone: (314) 862-8272.

December 6-9, 1979. Law Enforcement Hypnosis Seminar. Presented by the Law Enforcement Hypnosis Institute Inc. Tuition: \$395. For registration and information, contact: Dr. Martin Reiser, Director, Law Enforcement Hypnosis Institute Inc., 303 Gretna Green Way, Los Angeles, CA 90049.